

September 4, 2018 8:30 A.M.

**JONES COUNTY BOARD OF COMMISSIONERS**

**REGULAR MEETING**

**JONES COUNTY AGRICULTURAL BUILDING, 110 MARKET STREET**

**TRENTON, NC 28585**

**MINUTES**

**COMMISSIONERS PRESENT:**

Mike Haddock, Chairperson

Zack Koonce, Commissioner

Sondra Ipock-Riggs, Commissioner

Frank Emory, Commissioner

**OFFICIALS PRESENT:**

Franky J. Howard, County Manager

Angelica Hall, Clerk

Brenda Reece, Finance Officer

Mike Houston, Water Supervisor

**COMMISSIONERS ABSENT:** Joseph Wiggins

The Chairperson called the meeting to order and Commissioner Frank Emory gave the invocation. **MOTION** was made by Commissioner Zack Koonce, seconded by Commissioner Sondra Ipock-Riggs and unanimously carried **THAT** the agenda be **APPROVED** with the following addition:

12. SRO Contract

**MOTION** made by Commissioner Frank Emory, seconded by Commissioner Sondra Ipock-Riggs, and unanimously carried **THAT** the minutes for Regular Meeting August 8, 2018 be **APPROVED** as presented.

**PUBLIC COMMENT PERIOD:**

None

**1. REGIONAL JOINT LAND USE STUDY- MARINE CORPS AIR STATION CHERRY POINT, JONES COUNTY/OAK GROVE ADDENDUM**

Mr. Franky Howard, County Manager, presented the Board with the Jones County Addendum to the Regional Joint Land Use Study for Marine Corps Air Station Cherry Point. Mr. Howard explained that Jones County agreed several months ago to participate in the JLUS since we have such an important Marine Corp asset in Jones County with Oak Grove OLF. Mr. Howard also explained that the addendum needed approval so that the regional JLUS could be closed out. **MOTION** made by Commissioner Frank Emory, seconded by Commissioner Zack Koonce **THAT** the Addendum for Regional Joint Land Use Study for Marine Corps Air Station Cherry Point be **APPROVED**. A copy of the addendum is marked **EXHIBIT A** and is hereby incorporated and made a part of the minutes.

**2. BUDGET AMENDMENTS #2-4**

Mr. Franky Howard, County Manager, presented the Board with Budget Amendments #2-4 to keep the County in line with expenditures. **MOTION** was made by Commissioners Zack Koonce seconded by Commissioner Frank Emory, and unanimously carried **THAT** Budget

Amendments #2-4 be **APPROVED** as presented. A copy of the Budget Amendments are marked **EXHIBIT B** and is hereby incorporated and made a part of the minutes.

### **3. CAPITAL REQUEST- SHIIP**

Mrs. Ivy Reid, Seniors Health Insurance Information Program Manager, presented the Board with a Capital Request to purchase a new computer with SHIIP Grant Funds. The Capital Request is for a MacBook Pro 13" with Apple Care 3-Year extended warranty protection and Microsoft Office package for \$1869.41 and a Apple DVI Computer Monitor Adapter for \$60.00. **MOTION** made by Commissioner Zack Koonce, seconded by Commissioner Frank Emory and unanimously carried **THAT** the Capital Request in the amount of \$1929.41 to purchase a new computer be **APPROVED** as presented.

### **4. PILT PAYMENT- CLASS ACTION**

Mr. Franky Howard, County Manager, presented the Board with a Class Action suit that was initiated in Kane County Utah. Mr. Howard explained that several years back the Federal Government miscalculated the amount of Payment in Lieu of Tax that each county with federal land receives and the county was due to receive \$4,044 if approved. **MOTION** made by Commissioner Zack Koonce, seconded by Commissioner Frank Emory **THAT** the County Attorney file to join the lawsuit on behalf of Jones County. A copy of the Official Notice is marked **EXHIBIT C** and is hereby incorporated and made a part of the minutes.

### **5. LATE EXEMPTION APPLICATIONS- TAX OFFICE**

Mr. Franky Howard, County Manager, presented the Board with three late exemption requests. One late application is a veteran's exemption and the other two are for present use value. **MOTION** made by Commissioner Frank Emory, seconded by Commissioner Sondra Ipock-Riggs and unanimously carried **THAT** the late exemptions be **APPROVED** as presented. A copy of the exemptions are marked **EXHIBIT D** and is hereby incorporated and made a part of the minutes.

### **6. JAIL MEAL BIDS**

Mr. Howard, County Manager, presented the Board with the Jail Meal bid information. Mr. Howard explained that Subway of Trenton had the low bid at \$4.35/meal. **MOTION** made by Commissioner Sondra Ipock-Riggs, seconded by Commissioner Zack Koonce and unanimously carried **THAT** the Jail Meal Bid be awarded to Subway of Trenton for a three year contract be **APPROVED** as presented. A copy of the Jail Meal Bids are marked **EXHIBIT E** and is hereby incorporated and made a part of the minutes.

### **7. PROBATION OFFICE LEASE**

Mr. Franky Howard, County Manager, presented the Board with the lease agreement for the office space provided to Probation and Parole. Mr. Howard explained that NC Statute requires Counties provide free space for Probation and Parole. **MOTION** made by Commissioner Zack Koonce, seconded by Commissioner Frank Emory and carried **THAT** the Lease Agreement be **APPROVED** as presented. A copy of the Lease Agreement is marked **EXHIBIT F** and is hereby incorporated and made a part of the minutes.

#### **8. TROJAN BOOSTER CLUB**

Mr. Franky Howard, County Manager, presented the Board with a request from the Trojan Booster Club out of Jones Senior High School. **MOTION** made by Commissioner Frank Emory, seconded by Commissioner Sondra Ipock-Riggs and carried **THAT** the annual request from the Trojan Booster Club be **APPROVED** as presented. A copy of the request is marked **EXHIBIT G** and is hereby incorporated and made a part of the minutes.

#### **9. LANDFILL SCALES**

Mr. Franky Howard, County Manager, presented the Board with a proposal from Carlton Scale Co. in reference to replacing the scales at the landfill. Mr. Howard explained to the Board that the load cells and other components of the scales have been failing and repairs have been constant. Mr. Howard requested quotes be arranged for a replacement scale. The prices ranged from \$56,553- \$80,800. **MOTION** made by Commissioner Frank Emory, seconded by Commissioner Zack Koonce and unanimously carried that the item be **TABLED** for other options pertaining to the operation of the Landfill.

#### **10. POLLOCKSVILLE VFD INVITATION**

Mr. Franky Howard presented the Board with a letter/invitation from the Pollocksville Volunteer Fire Department. A copy of the request is marked **EXHIBIT H** and is hereby incorporated and made a part of the minutes.

#### **11. ATTORNEY APPOINTMENT- DAVID B. BAXTER JR.**

**MOTION** made by Commissioner Sondra Ipock-Riggs, seconded by Commissioner Frank Emory and carried **THAT** the appointment of David B. Baxter Jr. as the County Attorney be **APPROVED** as presented.

#### **12. SCHOOL RESOURCE OFFICER CONTRACT**

Mr. Howard presented the Board with the School Resource Officer Contract for approval. **MOTION** made by Commissioner Sondra Ipock-Riggs, seconded by Commissioner Zack Koonce and carried **THAT** the School Resource Officer Contract be **APPROVED** as presented. A copy of the request is marked **EXHIBIT I** and is hereby incorporated and made a part of the minutes.

#### **COUNTY MANAGER'S REPORT**

No Report

#### **COMMISSIONER'S REPORTS**

*Commissioner Sondra Ipock-Riggs* commented that the Commissioners do not have meetings before the regular scheduled Commissioner Meetings. Commissioner Riggs expressed that she did not appreciate anyone lying on them and that everything that happens in the meetings are taped.

*Commissioner Zack Koonce* requested an update on the fire hydrants specific to 2698 10 Mile Fork Road, Mr. Philip Banks. Also, requested the ice maker at the Senior Center be repaired.

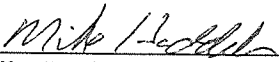
Announced that he attended the following: concert for the Mill Pond, Filling Station Meeting, CSAP Retreat, DSS Meeting and NCACC Conference.


**PUBLIC COMMENT**

Mike Houston, Water Supervisor, provided the Board with an update on the fire hydrants throughout the county.

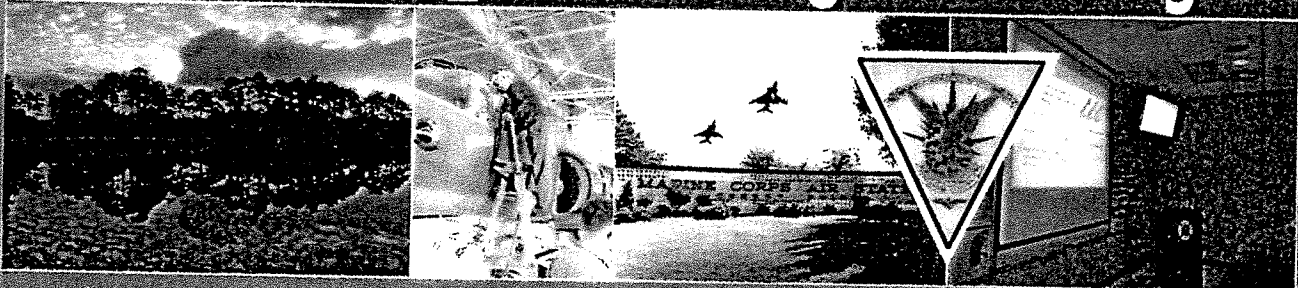
Mr. Adam Caldwell, Regional Representative for Senator Thom Tillis, attended to introduce himself to the Board.

**MOTION** made by Commissioner Franky Emory, seconded by Commissioner Zack Koonce, and unanimously carried **THAT** the meeting be **ADJOURNED** at 9:40 a.m.

  
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Mike Haddock  
Chairman

  
\_\_\_\_\_  
Angelica Hall  
Clerk to the Board

J L U S



Oak Grove Marine Corps Outlying Field

# Joint Land Use Study

JONES COUNTY ADDENDUM

D R A F T 5 . 1 . 2 0 1 8

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

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# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Chapter 1: Study Purpose

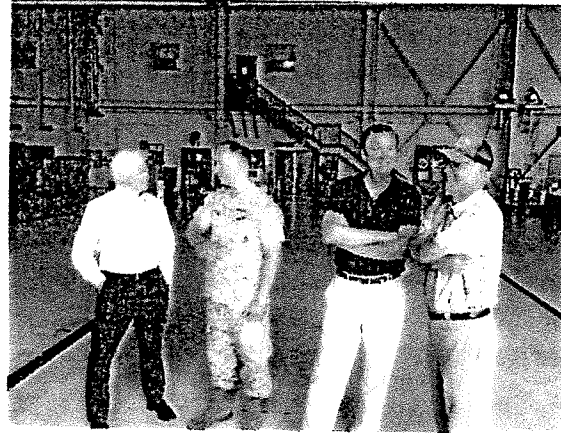
*The purpose of the study is to provide a comprehensive overview of the study area, the methodology employed, and the findings of the study. This report is an addendum to the 2015 CPRJLUS (Cherry Point Regional Joint Land Use Study) that originally encompassed a study area comprised of Craven, Carteret, and Pamlico counties. This addendum both focuses on a fourth county, Jones. Since this report is intended to be a stand-alone document, some of the preliminary information from the original, three-county CPRJLUS<sup>1</sup> is repeated and updated.*

### 1.1 Overview: What is a Regional Land Use Study's Purpose?

A Joint Land Use Study (JLUS) is a collaborative planning process used to bring together military installation personnel, local government officials, and interested members of the community to discuss the relationship of the activities of both the military and local communities surrounding it. This report is an addendum to the 2015 CPRJLUS (Cherry Point Regional Joint Land Use Study) that originally encompassed a study area comprised of Craven, Carteret, and Pamlico counties. This addendum both focuses on a fourth county, Jones. Since this report is intended to be a stand-alone document, some of the preliminary information from the original, three-county CPRJLUS<sup>1</sup> is repeated and updated.

**Why Conduct this Study?** Established military bases represent important, if not the most important, source of economic development energy in a community that helps create the need for service, construction, and other secondary employment opportunities. The resulting development pressures in areas bordering both the community and military installation can create circumstances that, if left unexamined, result in serious impediments to the normal military functions of the military base. Conversely, poor planning can also result in long-term inconveniences realized by residents and businesses outside the military installations.

The purpose of the CPRJLUS was to build on previous planning initiatives such as the 2002 *Eastern Carolina Joint Land Use Study* and develop recommendations to assist in preserving the military mission and foster economic development. This study also focuses on MCAS Cherry Point, and more specifically on outlying/auxiliary facilities (ALF Bogue, OLF Atlantic, BT-9, and BT-11 installations).



### 1.2 Problem/Issues Statement

In addition to providing new and updated detail on a more narrowly defined geographic area of interest, the CPRJLUS – Jones County study will address the following concerns.

***Incursion into and from Military Properties and Operations.*** Many of the new residents are not used to living near the noise associated with military operations. Hence, even though these residents may never encroach on military property, the number of complaints generated by the public is an increasing concern to the installations, since they strive to be good neighbors to civilian populations. Although population growth in Jones County has been gradual, development pressures are expected to increase the potential for civilian interactions onto military property and present conflicts with operations over time.

***Tall Structures and Interference.*** The Region around the installations represents a tremendous

<sup>1</sup> Note: CPRJLUS refers to the original study conducted for Craven, Carteret, and Pamlico counties in 2015; the

CPRJLUS – Jones County nomenclature refers to this study and its focus on Jones County.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

resource for wind energy. However, the erection of high-level wind turbines poses a serious threat to military flights as well as scrambling radar signals and surveillance. A similar threat is posed by tall cell phone towers conflicting with training routes to the west and south of the installations. Even when height is not an issue, radar interference and reflectivity from solar "farms" can pose a threat to ongoing training.

***Integrating Economic Strategies for Mutual Benefit.*** Initial small group discussions indicated that some Jones County citizens work directly on the military base. The people interviewed were not able to make specific connections to the economic activity of Jones County and the military operations or supply chains that support them. Exploring ways of strengthening that relationship in ways that are mutually beneficial can

strengthen the necessary partnerships required to establish a cooperative, active relationship between the military base and local communities.

The methodology employed throughout the CPRJLUS-Jones County is the identification of compatibility factors; description of how these factors are realized by the surrounding communities and influence military operations; and recommendations on how to eliminate, minimize, avoid, or mitigate the conflicts that are identified.

## 1.3 Study Guiding Principles and Goals

Study Guiding Principles were developed in the original CPRJLUS based on the collaborative efforts between local citizenry, key stakeholders, and military station officials. The Leadership Committee comprised of local planning staff and



*Marines from Camp Lejeune parachute from a MV-22 Osprey, 2000*

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

military representatives subsequently endorsed these principles as planning themes to help guide this study. The CPRJLUS-Jones County is, like the predecessor CPRJLUS report, serves several objectives.

- Enable Current and Future Military Mission
- Promote and Preserve Economic Vitality
- Create Livability / Quality of Life Enhancements
- Develop Practical Implementation Strategies
- Encourage Regional Collaboration

The CPRJLUS addressed several key objectives, which have not materially changed as the focus has shifted to Jones County.

To **promote compatible development** in the study area through revisions and updates to existing Zoning Ordinances (municipal only) and Comprehensive Plans plus to prepare new Plans and Ordinances where none now exist.

To identify existing and **potential non-compatible uses and propose mitigation options** (particularly in the waterways in and near to the Base's facilities),

To develop **enhanced communication** between the community and MCAS Cherry Point about cell phone and wind towers proposed in the Restricted Air Space, and

To support the Region's continued **economic vitality** while maintaining the community's character.

## 1.4 Vision Statement

The following Vision Statement represents the collaborative efforts of those involved with the development of the CPRJLUS-Jones County. This statement was used throughout the plan process to reinforce the importance of the military mission and the quality of life for those that surround its footprint and interact with its leadership.

*"We encourage viable/pragmatic solutions (policies, strategies and regulations) to enable the mission of MCAS Cherry Point by balancing the mission with regional economic development, meaningful community/stakeholder/public engagement, quality of life enhancements and environmental stewardship."*

- CPRJLUS Steering Committee (August 2013)

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Chapter 2: Organization

Auxiliary Landing Field (MCALF) Bogue  
Outlying Landing Field (MCOLF) Atlantic  
Bombing Target 9 (BT-9) Brant Shoal  
Bombing Target 11 (BT-11) Piney Island  
Maw Point  
Pamlico Point  
Restricted Airspace 5306A (R5306A)  
Restricted Airspace 5306C (R5306C)  
Core Military Operating Area (MOA)  
Hatteras Fox MOA

### 2.1 Planning Area, Participating Agencies, & Jurisdictions

The following areas were identified for study in this CPRJLUS-Jones County:

**Primary Study Area:** The area of intense study closest to Marine Corps operations for MCOLF Oak Grove;

**Secondary Study Area:** The area within influence of Marine Corps (and other federal operations) that are of concern, but not deemed as critical as the Primary Study Area; and

**General Study Area:** The identification of areas in Jones County appropriate for those land uses and activities that are of concern in the Primary and Secondary Study Areas.

The military installation of MCAS Cherry Point Complex consists of nine widely dispersed properties located in Craven, Carteret, Jones and Pamlico counties in eastern North Carolina, including several outlying airfields and bombing targets (BT-9 and BT-11 Piney Island). These properties cover approximately 26,073 acres of land and 18,000 acres of water, and are strategically located to meet operational and training requirements of the United States Marine Corps (USMC). Additionally, dedicated airspace is associated with much of the MCAS Cherry Point complex. Cherry Point includes the following properties, bombing targets, and airspace:

Main Station Cherry Point  
Outlying Landing Field (MCOLF) Oak Grove

The following are descriptions of the MCAS Cherry Point (Main Station) and MCOLF Oak Grove properties relevant to the CPRJLUS-Jones County study.

**MCAS Cherry Point (Main Station).** Main Station Cherry Point consists of about 12,000 acres located in Craven County, NC and lies primarily between Slocum and Hancock Creeks (tributaries of the Neuse River) and roughly bounded by NC-101, HWY-70, and the city of Havelock. While none of this property is within Jones County, military operations, both flight and some ground movements, have occasion to traverse Jones County. The Station is the home of the 2d Marine Aircraft Wing, II Marine Expeditionary Force (II MEF) and is the largest airfield for Marine Corps aviation on the east coast; maintaining and/or operating facilities, services, and materials to support the 2d MAW, tenant Units including Fleet Readiness Center East (FRCEAST) and the Naval Health Clinic. Main Station has a water restricted area encompassing portions of the Neuse River within 500 feet of the shore along the installation boundary and all the waters of the Slocum, Tucker, Hancock, and Cahooque Creeks within the installation boundary. Public access through these restricted areas is not currently prohibited, although MCAS Cherry Point may invoke restrictions in the case of heightened Force Protection levels.

**Outlying Landing Field (MCOLF) Oak Grove** is a military and recreational use facility located approximately two miles northwest of the Town of Pollocksville, NC. The Oak Grove operating area consists of training areas for ground units, two

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

Tactical Landing Zones and three runway surfaces. The runway surfaces are unimproved and not authorized for civilian use. There are no airfield services available at Oak Grove. Oak Grove is used heavily by military helicopters and tilt-rotor aircraft conducting aviation training operations.

## 2.2 Organizational Structure / Process / Responsibilities

To ensure a successful outcome to the planning process, the CPRJLUS-Jones County brought together a range of participants. Local government, military representatives and private interests formed the basis of a Leadership Committees to provide guidance and leadership towards the development of the planning process. Comprised of key decision-makers in the region, the Leadership Committee provided oversight through periodic reviews of the analysis, findings and recommendations for the CPRJLUS-Jones County.

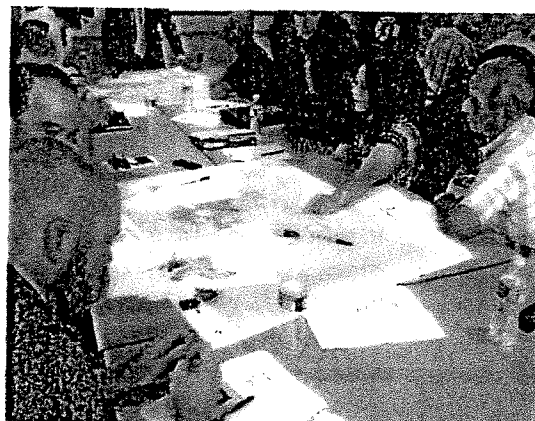
Table 2-1 is a complete listing of the members of the Leadership Committee.

Jay Bender  
Ethan Brodyer  
Tamiy Burns  
Colonel Todd Ferry  
Patrick Flanagan  
Eugene Foxworth  
Tyler Harris  
Franky Howard  
Katrina Marshall  
Eric Merritt  
Tim McCoy  
Joe Ramirez  
Brenda Reece

Table 2-1. Leadership Committee Members

## 2.3 Public Participation

Several tools were used to gain meaningful input into the CPRJLUS-Jones County planning process. These efforts provided an opportunity to understand the value and impacts associated with the military presence of MCAS Cherry Point on the surrounding region. Specific outreach tools included the following.



# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

*Public Participation Plan (PPP)* was developed to target specific populations and stakeholders.

*Stakeholder Interviews* were conducted one-on-one with seven decision-makers, public officials and regional agencies.

*CPRJLUS-Jones County Website* was created to bring awareness to the region regarding the intent of the CPRJLUS-Jones County; the site was reinstituted for the period of study (roughly beginning March of 2017) of the CPRJLUS-Jones County addendum. The website address is: [www.cprjlus-jones.com](http://www.cprjlus-jones.com).

*A Public Meeting* was conducted at the inception of the planning process to introduce the Leadership Committee to the project and help refine the objectives of the study that are stated in this report.

*Two Board Briefings* were administered to the participating boards of commissioners providing up-to-date status of the CPRJLUS-Jones County as well as an additional opportunity for elected officials to interact directly with the project team.

The key takeaways from these meetings included:

*Military mission affirmation;*

*Encroachment prevention is critical;*

*Today, the number of encroachment incidents is minimal;*

*Similarly, there are few effects from the MCOLF-Oak Grove on surrounding communities from noise, base traffic, or other operations;*

*Specification of Cherry Point and MCOLF-Oak Grove economic impacts suggest that there are few military employees residing in Jones County, and that the economic influences within the County are modest;*

*Wind and, to a lesser extent, solar energy farms present potential threats to training missions in the future;*

*Quality of Life – preserve and promote;*

*Major landholders- cooperation is needed and desire for participation in the process*

*Regional governmental cooperation and collaboration is essential; and*

*Public engagement and communication is needed to bring a higher awareness of military influence and need.*



# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## 2.4 Guiding Principles & Vision

This planning process invited citizens and interested stakeholders of each community to engage with the project goal-setting and refinement of the land use and compatibility issues for MCAS Cherry Point and MCOLF-Oak Grove.

The growth and opportunity of the Region is ultimately expressed through the stated goals of many individuals. Here are the "Guiding Principles" that were heard throughout the CPRJLUS-Jones County process; each of these objectives were echoed during the CPRJLUS-Jones County process as well:

- Enable Current and Future Military Mission
- Promote and Preserve Economic Vitality
- Create Livability / Quality of Life Enhancements
- Develop Practical Implementation Strategies
- Encourage Regional Collaboration



### *Vision Statement*

The study teams evolved the various discussions, public input, and issue statements into an overarching Vision Statement, representative of where MCAS-Cherry Point needs to be in the future to continue to build on its history of success.

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"WE ENCOURAGE VIABLE/PRAGMATIC SOLUTIONS (POLICIES, STRATEGIES AND REGULATIONS) TO ENABLE THE MISSION OF MCAS CHERRY POINT BY BALANCING THE MISSION WITH REGIONAL ECONOMIC DEVELOPMENT, MEANINGFUL COMMUNITY / STAKEHOLDER / PUBLIC ENGAGEMENT, QUALITY OF LIFE ENHANCEMENTS, AND ENVIRONMENTAL STEWARDSHIP."

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## Marine Corps Air Station Cherry Point

## Chapter 3: Background Information

Although small in absolute numbers, active and retired military living in Jones County still represent the MCAS as one of the county's top three employers.<sup>3</sup>

### 3.1 Chronology of Events Leading up to CPRJLUS-Jones County

The history of MCAS-Cherry Point stretches back to the 1940's (Figure 3-1 opposite), the CPRJLUS was completed in 2016 updating a previous JLUS (2002) as a joint effort with a larger study area and more partners. Some of the recommendations from that study were completed, but the need for a more focused study prompted the 2016 and current JLUS planning efforts.

### 3.2 Economic Impacts of the Installation on the Region

As the MCAS Cherry Point installation is the largest industrial employer east of I-95, the size of the impact on the surrounding region is commensurately large as well. Generally, the sum of the economic activity generated by the MCAS and its workers, including procurement / construction, education, medical, utilities, and other revenues amounted to just over \$2 billion in 2014. (source: MCAS, Comptroller Business Performance Team, PSC 8005, 2015)

The latest figures for the MCAS include 13,765 civilian/military personnel at Cherry Point, 2<sup>nd</sup> MAW, Fleet Readiness Center (FRC), Naval Health Center, and other tenants affiliated with the MCAS. MCAS employees (247) account for approximately 2.5% of the residents of Jones County.<sup>2</sup> Many of the military and civilian workers live in neighboring counties, particularly Craven (50%) and Carteret (25%). Furthermore, as military and civilian personnel retire, they often choose to do so in one of the nearby counties.

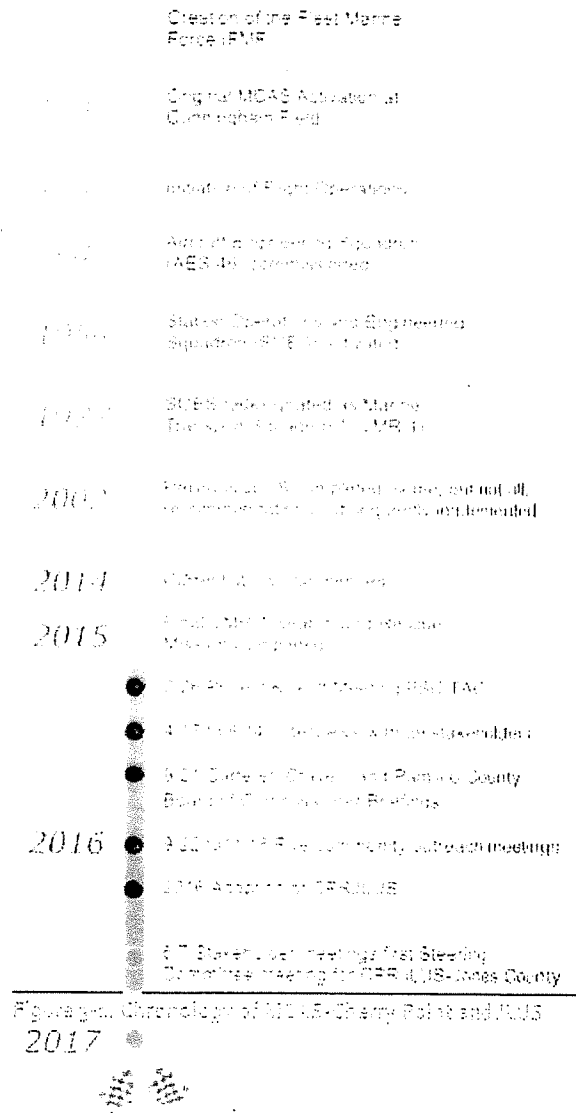


Figure 3a. Chronology of MILES-Cherry Point and PALS

<sup>3</sup>Comptroller Business Performance Team, *Marine Corps Air Station Cherry Point Economic Impact 2015*.

<sup>3</sup> NC Department of Commerce; Labor & Economic Analysis, Quarterly Employment and Wage, website accessed on 11.7.2017 (<http://www.nccommerce.gov/economic-analysis/quarterly-employment-and-wage>).

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## 3.3 Current AICUZ & Station Master Plan

The intent of the CPRJLUS-Jones County process is to establish and foster a working relationship among military installations and their neighboring communities to act as a team to prevent and / or curtail civilian encroachment associated with continued military operations, potential future mission changes, and regional growth.

Recommendations or potential guidelines are provided that can be implemented by identified stakeholders to promote compatible development and relationships between the military and neighboring communities for the present and future. The Station Master Plan provides a plan for future facility and infrastructure development on the main installation. The AICUZ identifies noise and accident zones adjacent to airfield operations, but the AICUZ scope does not involve detailed analysis of the encroachment issues associated with development in and adjacent to the safety zones. The CPRJLUS-Jones County is a necessary regional initiative, and in the case of MCAS Cherry Point, this CPRJLUS-Jones County evaluated the area immediately surrounding the main base, but the bombing ranges and outlying/auxiliary landing fields were also evaluated about existing and future mission requirements, existing and potential encroachments to the military mission and recommended measures to mitigate these encroachments.

*AICUZ.* The purpose of the Air Installations Compatible Use Zones (AICUZ) Program is to promote development patterns, both on and adjacent to the installation, which are compatible with the impacts of noise and safety generated by aircraft operations and to protect the integrity of the military mission and associated training activities. The two components of an AICUZ are the noise environment as expressed as Noise Zones and safety zones expressed as Accident Potential Zones (APZ). Noise zones are a measure of cumulative noise exposure associated with aircraft operations described in terms of Day Night Sound Level (DNL). Three zones are established with 1- being areas with less than 65

Ldn, 2- between 65 and 70 Ldn and 3- being greater than 75 Ldn. Safety zones have been designated as Accident Potential Zones (APZ) with varying levels of accident potential. They vary as to distance from runways and include the Clear Zone and APZs 1 and 2. Controlling and managing natural and manmade encroachments within the noise and safety zones is a constant challenge to the air installations and can only be effectively accomplished with cooperation of the adjacent property owners and nearby local governments. An AICUZ had been established for MCAS Cherry Point main installation (2001) as well as Bogue Outlying Landing Field.

*Station Master Plan.* The purpose of an installation master plan is to evaluate current and future mission requirements and to guide future strategic growth, planning, design and construction of the installation facilities and infrastructure. The MCAS Cherry Point Master Plan was prepared in 2014 and provided recommendations on future land use, circulation/parking and air operations. A master plan, including phasing for physical improvements, was developed for military construction projects (MILCON), master plan projects for the operational area, subareas Slocum Road, North Area and the "core" area of the base. The scope of the plan included MCAS Cherry Point proper; ranges and outlying / auxiliary fields were not included.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Chapter 4: Technical Information

### 4.1 Planning Area Profile, Existing and Projected

The sense of place in Jones County is tied to the population's ability to adapt to changes to their environment, including economic resources and resiliency. Accordingly, variations in employment, environmental conditions, and resources are described in the following sections.

This overview of the demographic changes in the CPRJLUS-Jones County study area is primarily derived from the United States Census Bureau and the American Community Survey (ACS), supplemented by Woods and Poole.

#### Population

Population figures for CPRJLUS area (counties and a few notable communities) are presented in Table 4-1.

Overall, the CPRJLUS area has grown, with most of the counties experiencing population increases except for Jones County. In Jones County, populations within the urbanized areas have increased by 2% (Maysville) to 14% (Trenton and Pollocksville).

Table 4-2 highlights some of the most significant variations across the JLUS counties within the group or compared to North Carolina as a whole. Jones County emulates the rest of the state in terms of minority (non-white alone) percentages, but the population has less than half the percent of persons with college degrees. Both the value of one's home and household income correlate with college degrees. Home values in Jones County are 60% of those in North Carolina generally.

	2000	2010	2015	% Change
Jones County	10,380	10,080	10,076	-3%
Pollocksville	272	309	309	14%
Trenton	258	292	293	14%
Maysville	1,000	1,011	1,011	1%
Craven County	91,436	103,505	104,510	14%
New Bern	23,128	29,524	30,291	31%
Havelock	20,735	22,422	20,706	0%
Pamlico County	12,934	13,144	12,948	0%
Bayboro	741	1,263	1,252	69%
Oriental	875	900	895	2%
Carteret County	59,383	66,469	68,811	16%
Morehead City	7,691	8,661	9,258	20%
Newport	3,349	4,150	4,694	40%
Beaufort	3,793	4,059	4,195	11%
North Carolina (million)	3.68	9.55	9.97	27%

Table 4-1 Population Changes, 2000 - 2015

City/Town	POPULATION			HOUSEHOLD	
	Minority	College	Median	Median	Median
	White	White	White	White	White
Jones	38%	21%	13%	\$93,900	\$34,005
Craven	23%	15%	22%	\$154,500	\$47,985
Pamlico	25%	15%	19%	\$150,800	\$43,444
Carteret	14%	14%	25%	\$296,800	\$48,457
N.C.	37%	16%	18%	\$154,900	\$46,858

Table 4-2 Demographic and Housing Statistics (2015)

Figures 4-1 through 4-3 on the following page illustrate some of the key employment trends, focusing on Jones County but including Craven, Carteret, and Pamlico for comparison to the earlier JLUS study area.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

*DATA DASHBOARD: Recent trends for population and employment among the four JLUS counties studied*

Figure 4-1 (top): Federal Military Employment, 2017

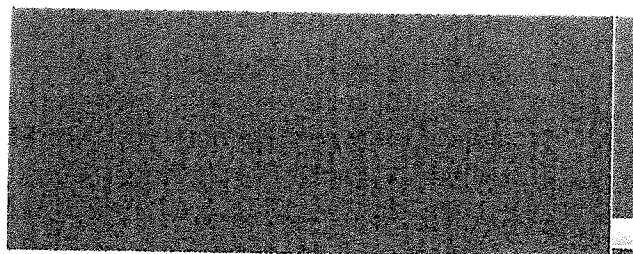


Figure 4-2 (middle): Employment (000's):

- A. Accommodation & Food Service Employment
- B. Construction Employment
- C. Farm Employment
- D. Finance and Insurance Employment
- E. Manufacturing Employment
- F. Woods & Poole Economic Health Index (100=national avg.)

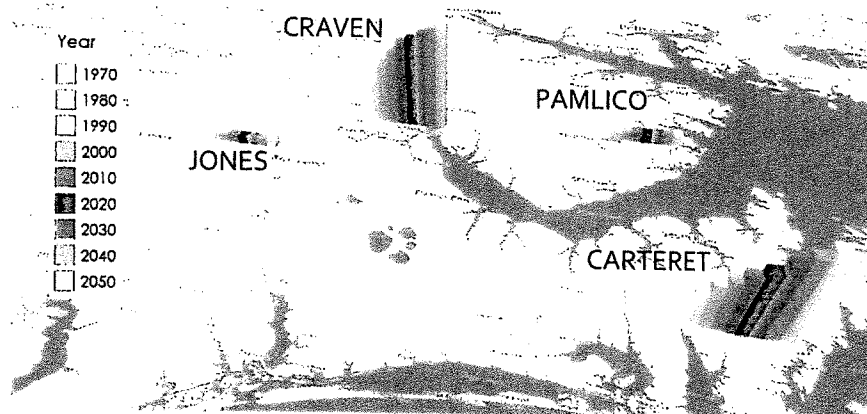
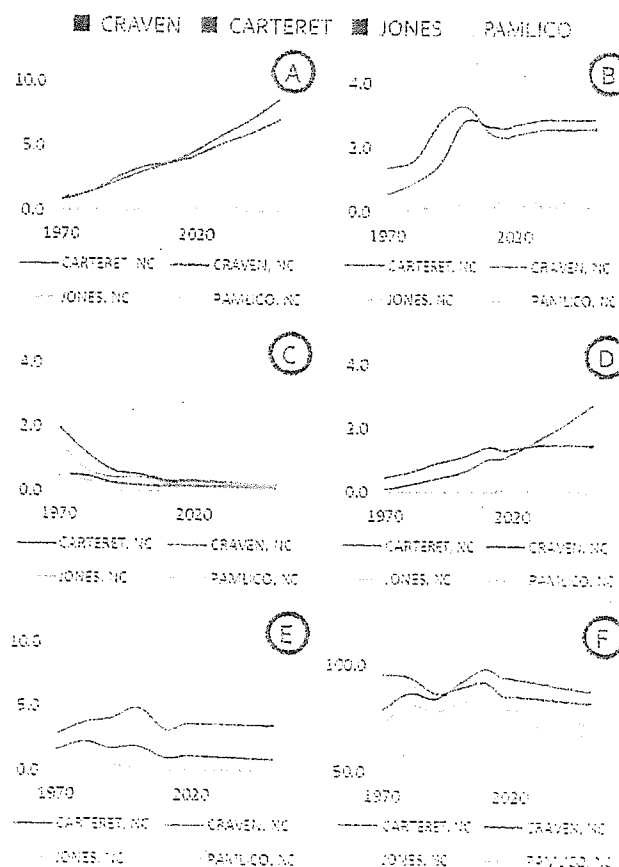
Figure 4-3 (bottom): Population by County, 1970 to 2050  
(source: Woods & Poole)

## Employment

Military employment in Jones County represents an extremely small part of the overall employment base, particularly compared to Craven County. Farming employment in Jones County as well as the three other, nearby counties has fallen in recent decades.

Like many parts of the country, Accommodation and Food Services – employment particularly related to tourism industries – has increased over time and is expected to continue to do so in the future. The trends also exhibit a sharp downturn due to the "Great Recession" of 2007-2009 and the subsequent recovery period. Manufacturing and Construction employment have not recovered to pre-recessionary levels.

The Woods & Poole economic dataset also provides a "wealth index," whereby the subject counties are compared to the country as a whole (the U.S. = 100 on this scale) for per capita income (80% of index weight), interest/dividends (10%), and transfer payments (10%). Jones, as well as the other three JLUS counties studied in 2016, falls short of the U.S. wealth index, with Jones County currently at approximately 75% of the U.S. benchmark set by Woods & Poole.



# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Land Value and Development

Figure 4-4 illustrates the range and location of tax assessed property values for the most recently available parcel data in Jones County.

Property values have a strong tendency to increase in areas where the property has either a connection to a major roadway or is adjacent to a waterway. Properties in the vicinity of the MCOLF – Oak Grove are also comparatively valued highly, although they overlap with the more urbanized area of Pollocksville.

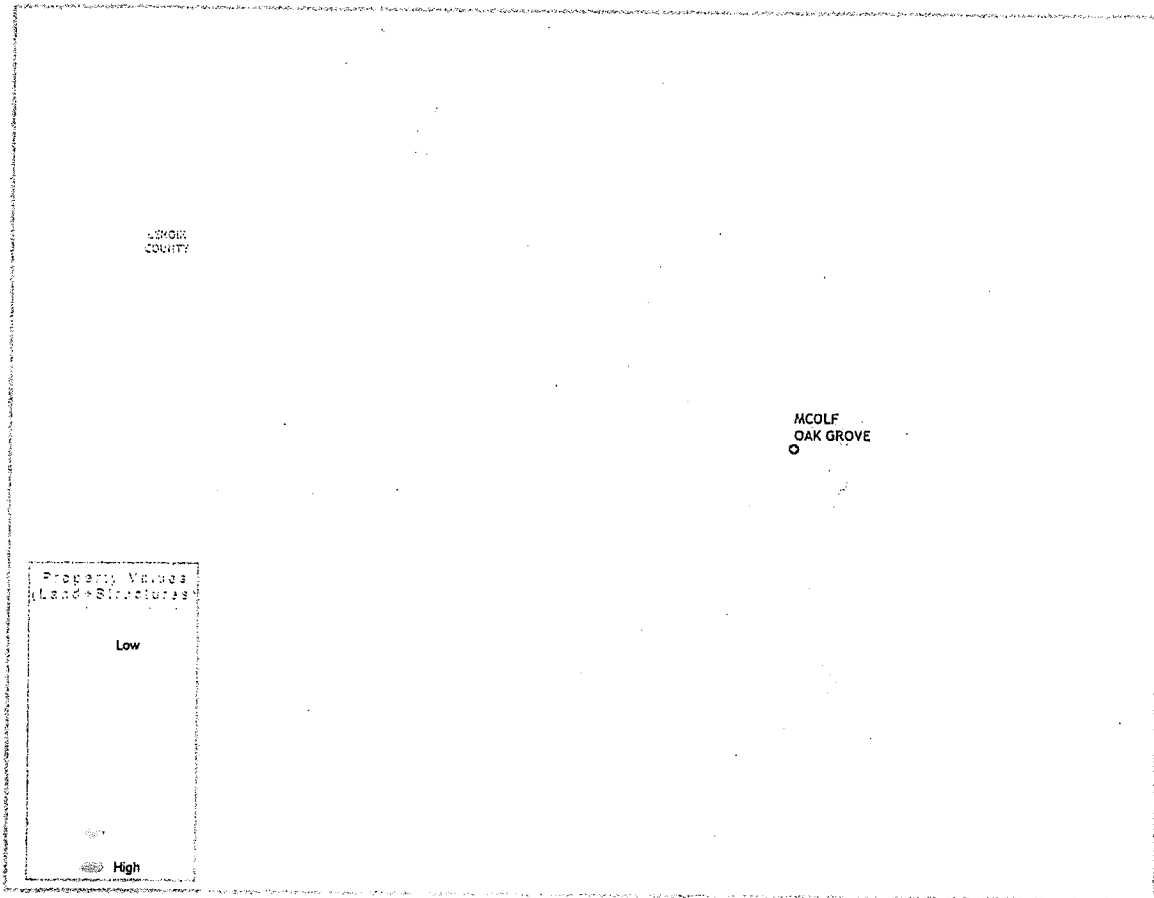


Figure 4-4: Value per Acre (Land + Structures) Jones County, North Carolina

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## 4.2 Existing Development Controls – “Gap Analysis”

The Project Team reviewed zoning codes and related regulations for Jones County and municipalities within the Study Area, including building codes, zoning ordinances, conservation ordinances, disclosure statements, subdivision regulations, and other pertinent municipal, county, and state regulations. The purpose of the review of local ordinances and regulations was to determine if existing regulations, or lack thereof, could control, reduce, or increase potential conflicts between land uses, airspace, and the operations of MCOLF-Oak Grove.

Discussions with the Leadership Committee and stakeholder interviews led to further review for the presence of policies or requirements pertaining to renewable energy, agriculture, extension of water and sewer utilities, standards for exterior lighting (dark sky), and prescribed burning, all of which have implications for maintaining military-compatible land uses and preventing further encroachment upon the military mission. The results of the review of local government ordinances and regulations are provided in Table 4-3, which indicates if a specific ordinance or plan has been adopted. Additional findings are summarized below.

### Jones County

Unlike the three nearby counties addressed in the 2016 CPRJLUS effort, Jones County is not part of the Coastal Area Management Act (CAMA) and therefore does not have a CAMA plan.

**Comprehensive Land Use Plan.** The Jones County Comprehensive Plan was adopted in July 2013. The plan suggests future land uses as well as strategies for developing the area economically. The plan does acknowledge that “military growth in the region” poses challenges and opportunities to farms and forests, major resources that fuel the local economy. Two strategies are suggested for leveraging the military growth in a positive way:

- Utilize relationship with U.S. military installations and personnel in the area to provide locally grown and processed crops

and meats for use and consumption on local bases; and

- Seek to attract military-related industry to the area.

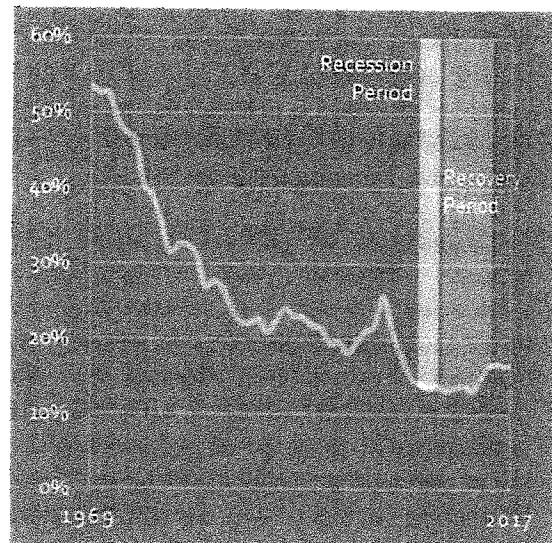


Figure 4-5 Jones County Farm & Mining Employees as Percent of All Employees, 1969 to 2017  
(Source: Woods & Poole)

The future land use maps do not call out the MCOLF-Oak Grove property, and they do not have a specific land use code for military use or buffer areas.

**Subdivision Regulation.** The Jones County Subdivision Regulations were adopted and made effective in 2001, and were prepared with assistance from the NC Department of Commerce. The regulations do not acknowledge military operations, although minor modifications to sections such as identifying elements on a sketch plan (Sections 302-303) or agency review (Section 304) could be inserted to address military operations.

**Transportation Plan.** The recently completed Comprehensive Transportation Plan for Jones County was completed by NCDOT in March 2016. Several recommendations for roadways, US 258, US 70, and especially US 17 (under construction as of this writing) are called out in the plan. Bypasses are proposed for both Pollocksville and Maysville.

## Regional Joint Land Use Study Marine Corps Air Station Cherry Point

*Farmland Preservation Planning.* Jones County has a Farmland Preservation Plan but, although there are VADs (Voluntary Agricultural Districts) listed in the county, no VAD ordinance or policy. The *Jones County Farm and Forest Protection Plan* (August 2011) noted that a lack of accessibility outside of the county, particularly in the forms of broadband Internet and highways (US 17 and its expansion are mentioned prominently).

The population of farmers is aging rapidly, although farming and mining/extraction employment are still employment categories to be reckoned with (Figure 4-4). In a survey, more than half of respondents said that they would consider enrolling their lands in a military lease or use preservation program; all said that they would like to participate providing materials (biofuels, for example) to the military. No operators leased land to the military at the time of the survey.

Voluntary Agricultural Districts (VADs) are present in Jones County (Figure 4-5). Transfers of land within one mile of these areas require notification to the potential buyer that they are purchasing a property near a farm. The noise, odors, and other farm-related consequences are therefore made known prior to the sale of property.

*Utility Extension Procedures.* The Jones County Board of Commissioners and County Water Office regulate how public water services are distributed and managed within the county's service area. Priorities for new extensions funded by the county are based on a cost per user basis, with the highest-ranked applicant for extension being the lowest cost per user.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

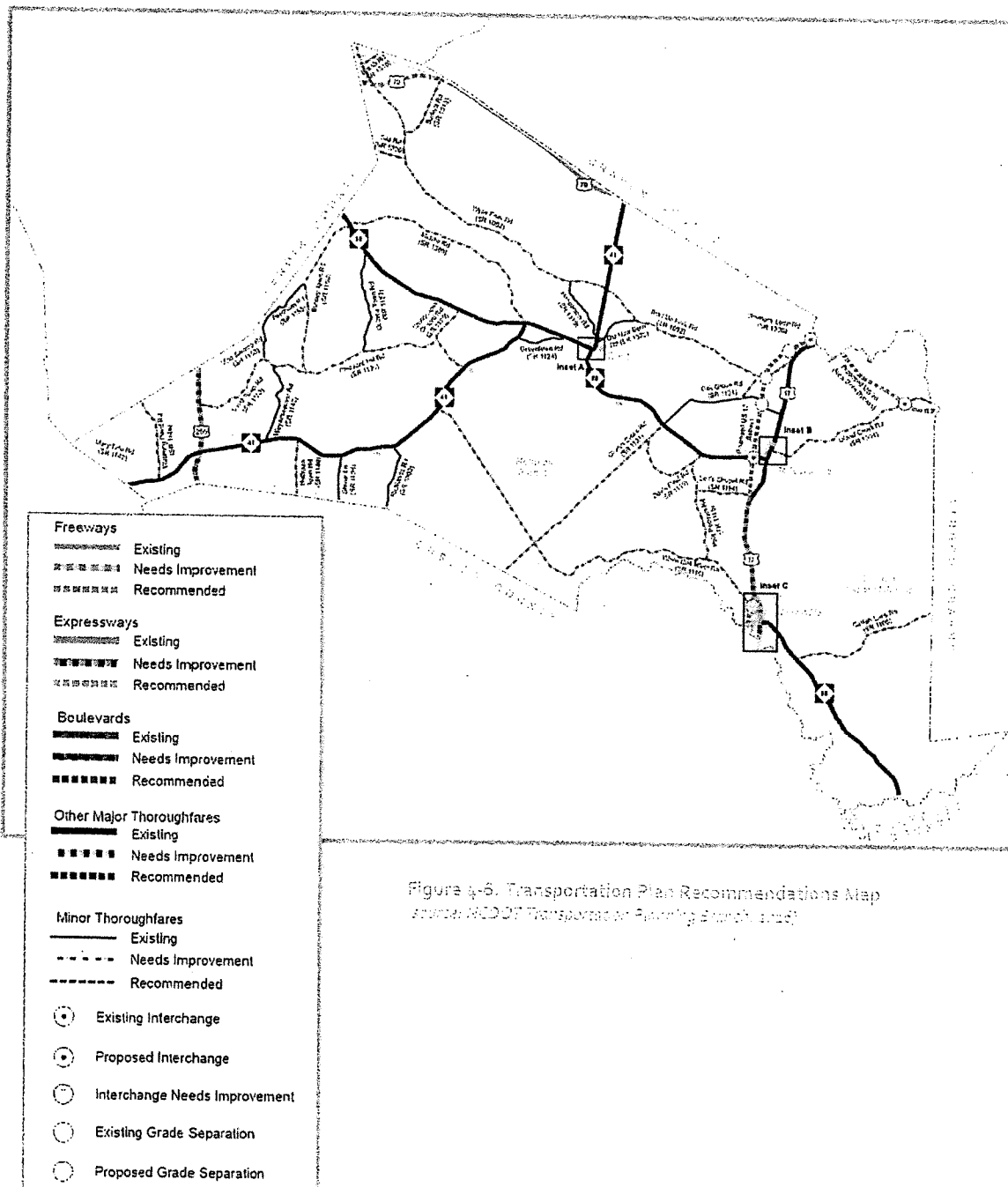
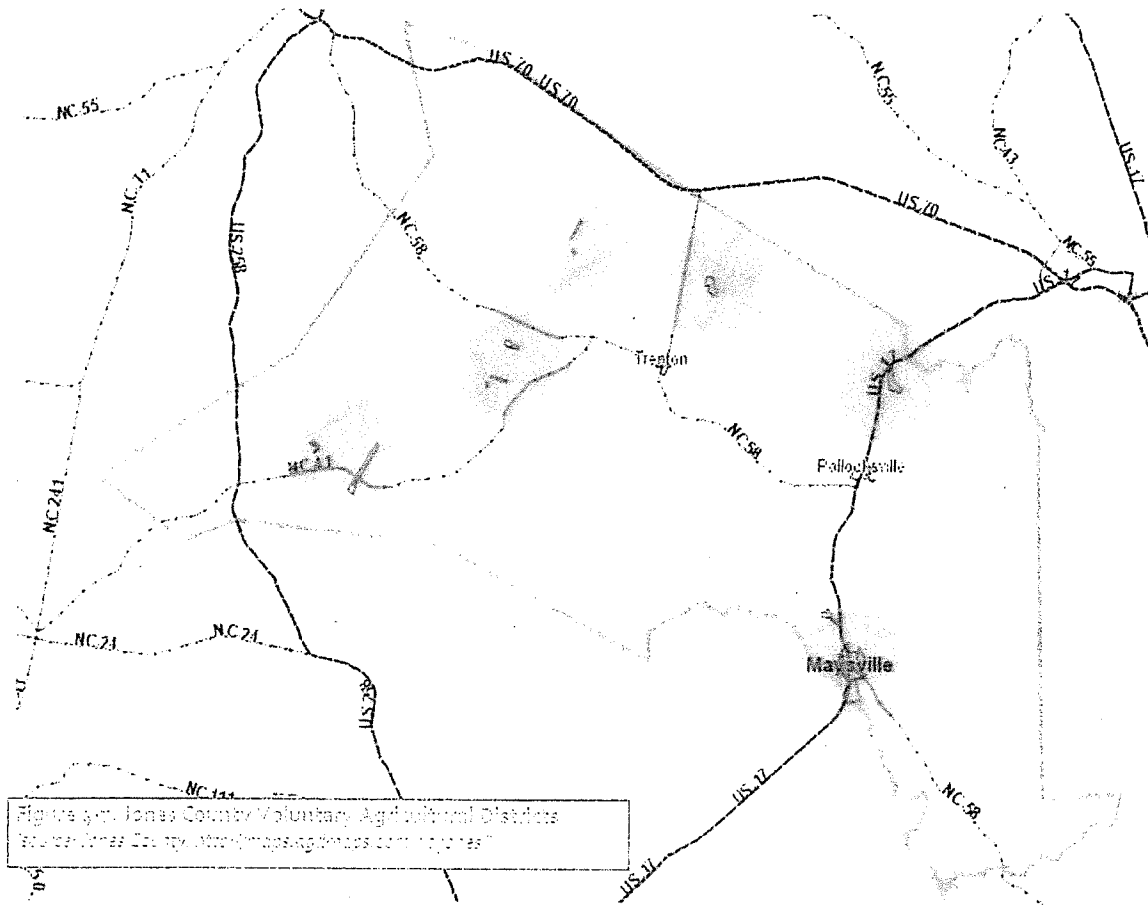


Figure 4-6. Transportation Plan Recommendations Map  
Source: MCDOT Transportation Planning Branch, 2006

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point



## Town of Pollocksville

The Town of Pollocksville adopted a zoning ordinance on November 15, 1993. Section 3.03 identifies restrictions on the height of structures (as well as bulk); Section 3.10 excludes certain types of structures from those limitations, including water tanks, radio/cellular/transmission towers, and chimneys. Building heights are generally restricted to a maximum of 35 feet in Section 6.04(3)(a). The main body of the zoning ordinance describes three primary categories of uses: residential, industrial, and commercial, as well as a commercial overlay zoning district covering the downtown area. Height limitations in residential and commercial areas are 30 or 35 feet; in industrial districts the height limitation is 50 feet.

*Disclosure Statements.* There are no disclosure requirements enforced by the Town of Pollocksville.

## Town of Maysville

Section 2.06 (A) describes four primary categories of uses: Residential Agricultural, Residential, Highway Commercial, Commercial and Industrial. Special purpose and overlay districts are also defined that allow deviation from the requirements set forth in the general use categories. Those overlays include: Planned Unit Development, Planned Development Residential, Flood Hazard Reduction and Corridor Overlay District. Height limitations in residential and commercial areas is 35 feet and 50 feet in industrial districts.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Easements

A conservation easement is a voluntary agreement that allows a landowner to permanently limit the type and amount of development on their property while retaining private ownership. Easements are a commonly-used tool for local governments to secure space for utilities and streets, pipelines, and other essential public infrastructure, including parkland and trails. Conservation easements are important because they are one of very few mechanisms that can be used for controlling development and encroachment on the military mission.

Local governments can support private landowners in utilizing conservation easements by creating funding mechanisms to finance legal and real estate transactions fees for conservation easement projects led by local land trusts. Local governments and Soil and Water Conservation Districts can also hold and monitor conservation easements.

A search of the *North Carolina Natural Heritage Data Explorer* yielded areas that state, municipal or county-held easements for strictly conservation purposes. Protected areas include those managed by: N.C. Coastal Land Trust Easement, N.C. Department of Transportation, NC Department of Agriculture Division of Soil and Water, US Department of Defense, Conservation Reserve Enhancement Program, Wetland Reserve Program Easement and Croatan National Forest.

Marine Corps Installations East has experimented with agricultural conservation easements in the form of fixed term contracts to protect land underneath important military training flight routes. The NC Sentinel Landscapes Partnership, which includes NCDR, FB, NCFSWC and other partners, worked with 18 eastern NC counties (including Jones) in 2016 to preserve working forests and farms with easements, outreach and support.



# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Moratoria

A moratorium on new development is important, since it can be used to help create a temporary halt to new development (typically less than 18-24 months) to allow the military and local governments an opportunity to develop controls that maintain military missions. In 1988, Jones County executed a moratorium while the County revised protection ordinances for future growth and encroachment issues. The Croatan Game is overseen by the North Carolina Wildlife Resources Commission and provide recreational opportunities through hunting, fishing, bird-watching and other programs. Not all Game Lands are owned by the State. Some game lands are privately held but made open to the public through the program. Hofmann Forest is the single largest holding of the College of Natural

Resources at NC State University. Research on hydrology, tree development and fire ecology are a few of the things that are studied in the Forest.

Private holdings are subject to more development pressure than a publicly held resource. As the population in the region grows, development pressures on privately owned environmental resource properties will increase. Growth is also causing increasing conflicts along the wildland/urban interface, where complaints about prescribed burning on federal, state, and privately-held forestland is an issue of concern for land managers and property owners.

A review of municipal documentation was conducted to determine if ordinances for open space preservation and/or working lands conservation were present. Currently Jones

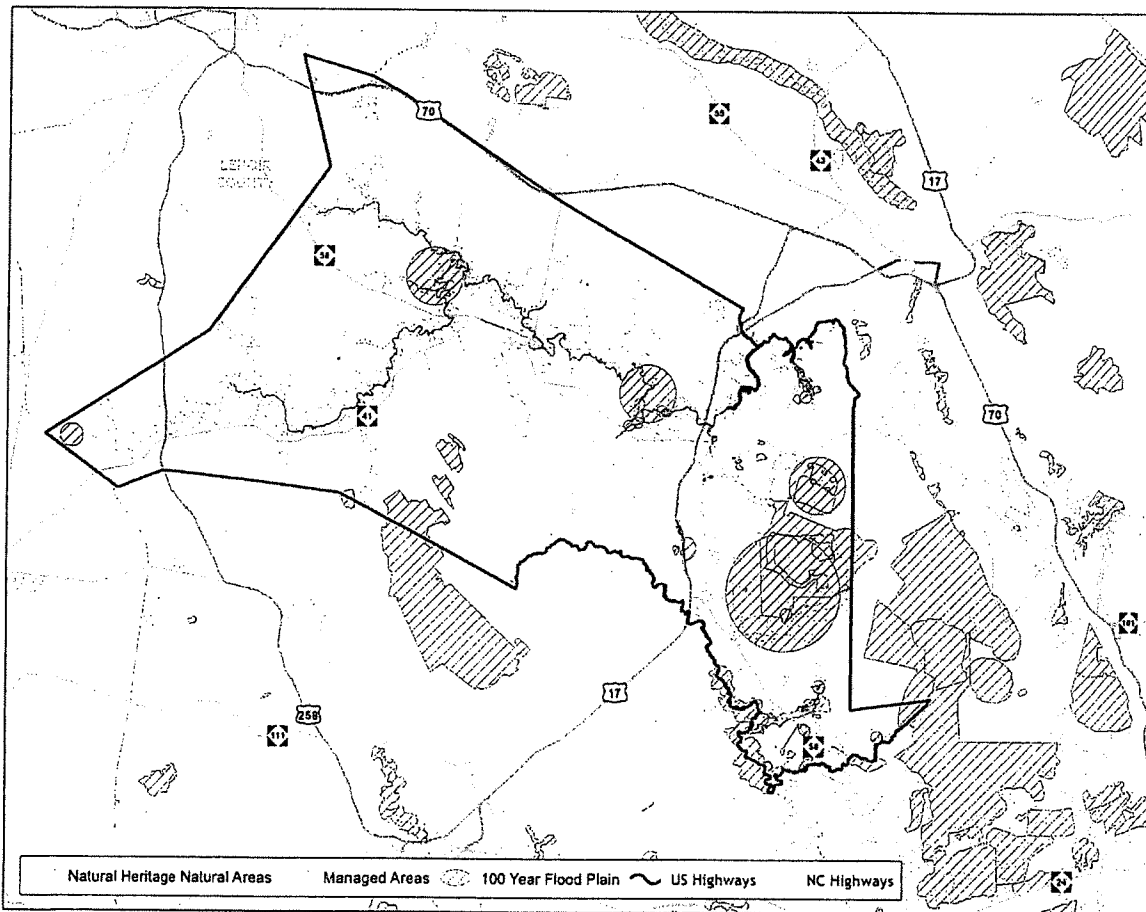


Figure 1. Jones County, North Carolina

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

County nor any of its municipalities have adopted ordinances for the creation of Enhanced Voluntary Agricultural Districts as well as an Agricultural Development & Farmland Preservation Plan. The presence of conservation / preservation ordinances or programs is reported in Table 4-3.

Ordinance Comparison Matrix

See the following Table 4-3 for a synopsis of Plans, Ordinances and Regulations for each jurisdiction within Jones County.

	Jones County	Belleville	Franklin	Waynesville
Comprehensive Land Use Plan				
Unified Development Ordinance				
Zoning Ordinance				
Subdivision Regulation				
AICUZ Overlay				
Tall Structures				
Airport Height Regulations				
Disclosure Statement				
Cluster Development Option/PUD				
Renewable Energy (Wind or Solar)				
Parks & Open Space Plan				
Transportation Plan				
Farmland Preservation Plan				
Utility Extension Policy				
Voluntary Ag. District Ordinance				
Permitting Authority				

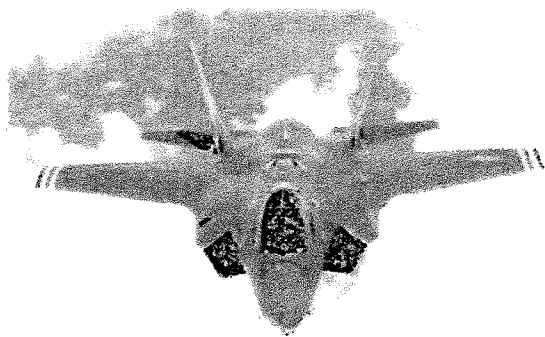
Table 4-3 Plan and Ordinance Review

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## 4.3 Military Operations & Impacts on Community

### Emerging Military Missions

According to AICUZ is primarily used by the 2nd Marine Aircraft Wing aircraft for a variety of military training activities. The majority of the aircraft activity is completed with MV-22 aircraft as well as CH-53, UH-1 and the AH-1. New River is expecting to grow soon with the arrival of a new CH-53 Squadron. All of the operating aircraft from MCOLF-Oak Grove produce noise. Though flight patterns don't change often, noise abatement procedures are in place during changes.



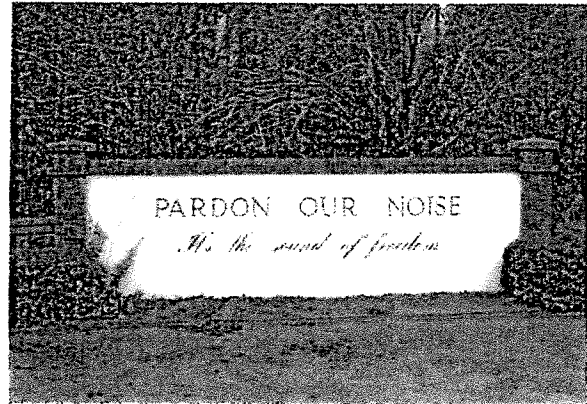
*Forrest Photo Associated Press*

### Environmental & Safety Impacts

*Noise (aircraft, artillery, etc.).* Noise is defined as unwanted or annoying sound that interferes with or disrupts normal human activities. The term DNL is used to represent the Day-Night Average Sound Level generated by all aviation-related operations during a 24-hour period. The noise associated with MCAS operations has long been an accepted part of life in the Cherry Point region ("Pardon our noise – it's the sound of freedom."), but aircraft operations at MCAS Cherry Point continue to generate concerns about noise from local property owners and visitors to the area.

The 2011 AICUZ for MCOLF- Oak Grove identifies and promotes compatible land use and development near the military installation. The overall goal is to protect the health, safety and welfare of the citizens living or working near a

military installation. The construction of MCOLF- Oak Grove was completed in 1942 and receives aircraft from Camp Lejeune Complex. MCOLF- Oak Grove is located south of the Trent River, west of



Pollocksville. The report identifies noise levels for various aircrafts above 60db DNL extending roughly two miles away from MCOLF- Oak Grove. The report provides recommendations for avoiding uses in the immediate area of MCOLF- Oak Grove that attract birds, lighting that would impair pilots vision, uses that generate smoke, steam or dust and things that would interfere with aircraft communication, navigation and/or electrical systems. The report also recommends avoiding plans for higher density housing, schools and churches in the immediate area of the airfield.

Overall the land uses with in a two-mile radius is predominantly compatible that fall within the 65bd DNL category. Ten to twelve houses that are located on Oak Grove Rd and Claude Banks Rd fall within the 65 DNL noise contour that would be considered incompatible. Residential structures located near the MCOLF- Oak Grove is a concern due to noise and safety concerns. It is recommended that future residential development does not occur within the near vicinity of the field.

The towns of Pollocksville, Maysville and Trenton have not incorporated any recommendations from the AICUZ into the governing Code of Ordinances.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

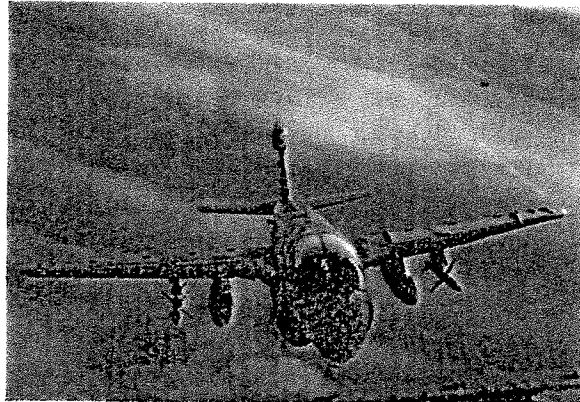
The 2001 AICUZ Update for MCAS Cherry Point provides land use compatibility guidance for the greater than 55 dB DNL noise zones. Below 65 dB DNL, all types of land use are considered compatible, with some exceptions or conditions that are specified in the DoD AICUZ Program guidance.

A number of noise abatement procedures have been implemented at MCAS Cherry Point and the MCOLF- Oak Grove to lessen the impact of noise on the surrounding community. For example, pilots are instructed to avoid overflights of population centers and other noise sensitive areas. In addition, specific noise producing events such as high-power run-ups, are normally restricted during night-time hours and on weekends.

Recommended strategies and measures to address these findings are provided in Chapter 6.

*Flight Tracks/Paths.* The JLUS region is crisscrossed by military flight paths and training routes that are

utilized by the Marine Corps and other military services from North Carolina installations and beyond.



*Natural Habitat & Conservation.* The federal government, through multiple federal agencies, is the largest single land owner in the study area with over 200,000 acres. These land holdings create a significant and valuable buffer for MCAS and its air training operations. The Croatan National Forest

	Land Use Compatibility with Noise Zone (DNL)						Land Use Compatibility with APZs		
	Noise Zone 1 <55		Noise Zone 2 55-64		Noise Zone 3 65-69		Clear Zone	APZ I	APZ II
Single Family Residential									(1)
Multi-Family Residential, Transient Lodging									
Public Assembly									
Schools and Hospitals			(2)	(2)					
Manufacturing (ex. Petrol/chem.; textile)									
Parks								(4)	(4)
Business Services				(2)	(2)			(3)	(3)
Agriculture, Forestry and Mining									

Source: Adapted from OPNAVINST 11010.36C

## Notes:

This generalized land-use table provides an overview of recommended land use. To determine specific land-use compatibility, see Appendix B.

- (1) = Maximum density of 1-2 dwellings per acre.
- (2) = Land use and related structures generally compatible however, measures to achieve recommended noise-level reduction should be incorporated into design and construction of the structures.
- (3) = Maximum Floor Area Ratio that limit people density may apply
- (4) = Facilities must be low intensity.
- (5) = Residential use is discouraged in DNL 65-69. Where the community determines that these uses must be allowed, a noise level reduction (NLR) of at least 25 dB should be incorporated into building codes.

## Key:

Compatible  
Incompatible

Figure 4-10: Compatible Land Uses and Noise Levels  
Source: U.S. Environmental Protection Agency, Land Use Planning

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

(160,000 acres) and Hoffman Forest (79,000 acres) are focused on protecting and maintaining natural, undeveloped landscapes and habitats.

*Encroachment Management Program.* MCAS Cherry Point utilizes a coordinated approach toward managing and controlling land encroachments which threaten the military mission. Guiding principles for these actions are provided by Marine Corps Orders on encroachment control, station-specific planning documents, and DOD level encroachment management support programs. Two primary examples include the MCAS Cherry Point Encroachment Control Plan (ECP) and the encroachment partnering Department of Defense (DOD) Readiness and Environmental Protection Integration (REPI) Program.

Encroachment Control Plan (ECP) -The MCAS Cherry Point ECP is a plan intended to preserve the station's ability to conduct training and operations currently and in the future. As such, the ECP identifies encroachment management objectives and related management actions. Objectives identified the current ECP include:

1. Continue purposeful and proactive management with local communities to prevent, repair, and mitigate encroachment concerns associated with land use and noise.
2. Remain vigilant in monitoring potential developments affecting airspace to prevent, repair, and mitigate encroachment issues relating to airspace use.
3. Continue to consider options to secure the perimeter of MCOLF- Oak Grove.
4. Engage with other stakeholders (including higher headquarters) as appropriate to monitor and respond to encroachment issues related to natural factors and climate effects.

Each of these objectives has a number of associated management actions (MA) targeted to the reduction of encroachments to the military mission.

## 4.4 Civilian Development Impacts on Mission Accomplishment

### Incompatible Development under Existing Controls

Substantial encroachment problems remain in the MCOLF- Oak Grove area. The Field receives aircraft from activity from Camp Lejeune, which includes Marine Corps Base Camp Lejeune and New River Air Station.

Incompatible land uses, especially residential, has developed within the Accident Potential Zone (APZ) of the MCOLF- Oak Grove. The challenge for the area, specifically within the APZs, is to retain residential density at existing levels through the use of existing voluntary and regulatory tools. Long term, the counties and municipalities of the study area will need to develop new land use and management techniques and establish incentive and acquisition programs to lower residential densities over time.

The MCOLF-Oak Grove AICUZ recommends no single-family residential within APZ-1, and uses that do not gather a large amount of people within APZ-2.

The area within the MCOLF-Oak Grove is rural in nature. The following represents the land uses found within APZ-1:

Agriculture - .35 acres  
Forested - 4.98 acres  
Transportation (right-of-way) - .09 acres  
Water - 3.35 acres

The AICUZ finds residential uses to be incompatible within noise contours of 65 DNL and above, and recommends that they not be permitted within these areas. The APZ-s consists of agriculture and low density residential uses under Jones County jurisdiction (refer to Figure 4-11, following page).

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

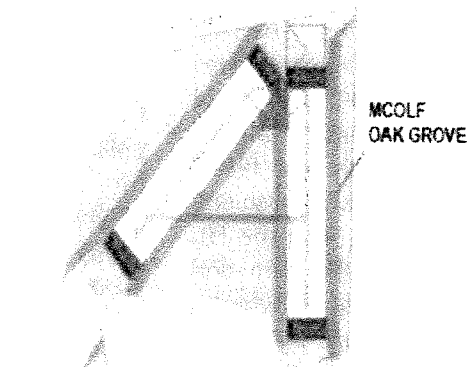
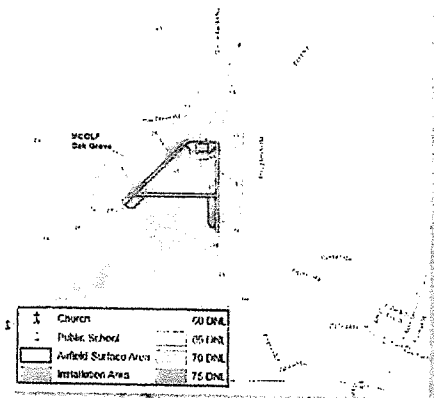
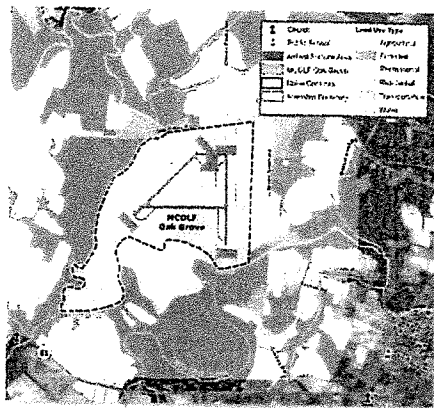


Figure 4-11. Accident Potential Zones (APZ), MCOLF Oak Grove (insets: top-Land Use 2011; bottom: Average Annual Daily DNL)

## Regional Joint Land Use Study Marine Corps Air Station Cherry Point

The APZs associated with MCOLF- Oak Grove are surrounded by mostly forested parcels. Much of the remaining APZ-1 area is undeveloped, and is used for agriculture purposes, which is a compatible use within the APZ-1.

### Other Issues

*Smoke from prescribed burning.* Controlled burns are necessary to maintaining the longleaf pine and pocosin ecosystems of the region, improve habitat quality, and reduce the risk of wildfires. Much of the eastern portion of Jones County is designated as a 'Smoke Awareness Area' by the NC Wildlife Resources Commission. The MCOLF- Oak Grove and the Croatan Forest are included in the 'Smoke Awareness Area'. Nonetheless, the localized impacts on air quality and negative perceptions about this practice are a source of controversy and problematic for managers of the Croatan National Forest and other public and privately-held forest lands. The MCAS, US Forest Service, US Fish and Wildlife Service, NC Forest Service, and the NC Wildlife Resources Commission jointly plan and coordinate prescribed burning activities on publicly-held lands. On privately-held land, prescribed burning is regulated by the NC Forest Service.

These agencies and others participate in the NC Prescribed Fire Council, which aims to foster cooperation among all parties in North Carolina with an interest or stake in prescribed fire. The Council also promotes public education regarding the benefits of controlled burning, best management practices and air quality impacts from prescribed fires.

*Light pollution* Light sources from commercial, industrial, recreational, and residential uses at night can cause excessive glare and illumination, impacting the use of military night vision devices and air operations. Light pollution is a major encroachment issue that threatens the military's training capability. Night testing and training are essential to the military training missions of Camp Lejeune and the MCOLF- Oak Grove. Pilots conduct realistic night flight scenarios including LHD landing practice, night precision runway approaches and landings, and low-visibility operational testing.



Source:

<https://www.google.com/maps/@35.9748000,-77.5000000,15z>  
<https://www.google.com/maps/@35.9748000,-77.5000000,15z>

Protecting the night sky from ambient light pollution has been a priority encroachment concern for all North Carolina military installations, beginning with the 2008 JLUS Update for the Fort Bragg Region, which included a Light Pollution Study. The North Carolina Sentinel Landscapes Partnership, a collaborative effort between the US Marine Corps and the NC Department of Agriculture, states its three tenets of compatibility as "keeping land in forestry and agriculture, limiting tall structures, and preventing upward shining lights." Presently, the Northeastern North Carolina Regional Joint Land Use Study will factor the protection of dark skies in its efforts to preserve key military flight paths from Seymour Johnson AFB to the Dare County Bombing Range, ranging over several counties.

The following figure (4-12) illustrate the extent of light pollution in the MCOLF- Oak Grove region, and the contrast between developed urban nodes and corridors and the vast forests, game lands, and agricultural areas that are ideal for training.

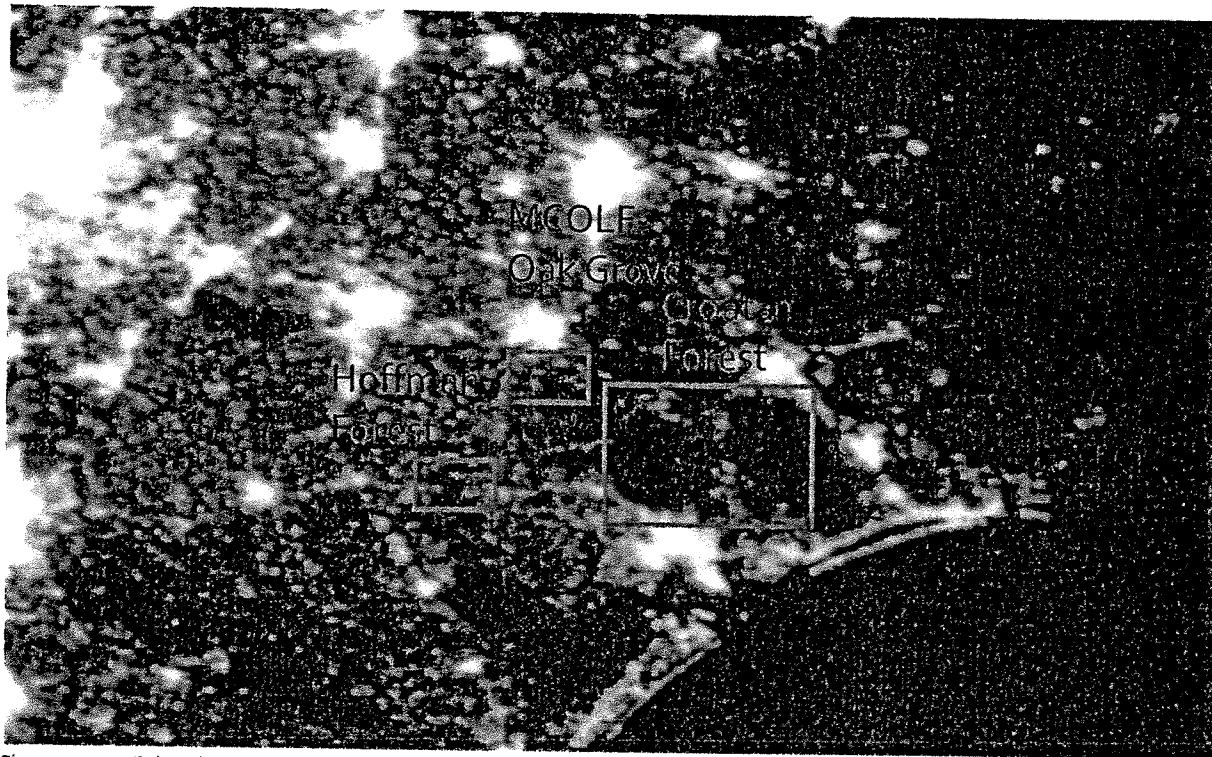


Figure 4-12. Night-Sky View of the Jones County region

Future growth and development, particularly along NC Highway 58, US-17, and Oak Grove Rd in the vicinity of the MCOLF- Oak Grove, could pose adverse impacts from light pollution from over-lighting and unshielded lighting. If continued without mitigation measures in place, future levels of light intrusion could curtail night-time training and readiness activities at these installations.

Fortunately, light pollution is one factor that can be readily controlled through a combination of regulatory measures and awareness of new lighting technology that greatly reduces light pollution. Moreover, dark sky-friendly lighting is widely available and economical.

Exhibit 4.1-B (Chapter 7) provides a model lighting ordinance based on a template provided by the International Dark Sky Association, is a prescriptive-based code that regulates the installation of new lighting systems or the replacement of lighting fixtures for non-residential uses and common residential areas. The model ordinance denotes four 'Lighting Zones' where different standards apply based on the development intensity of the area.

Much of Jones County would fall under LZ-0 or LZ-1. Lighting Zones 2 and 3 would apply to suburban areas and nodes of higher-intensity commercial uses, respectively.

Recommended strategies and measures to address light pollution are provided in Chapter 6, Recommendations for Action and Implementation.

#### Utilities

Existing and planned water and sewer infrastructure was identified and evaluated in the general vicinity of the MCOLF- Oak Grove in Jones County. An overview analysis was prepared for 3 water systems and 3 sewer systems in Jones County. This information was gleaned from NC local water supply plans, NPDES wastewater permits, and email conversations with Jones County Regional Water System.

*Water Treatment Capacity.* Four water systems are owned and operated in the study area – Comfort, Trenton, Pollocksville and Maysville.

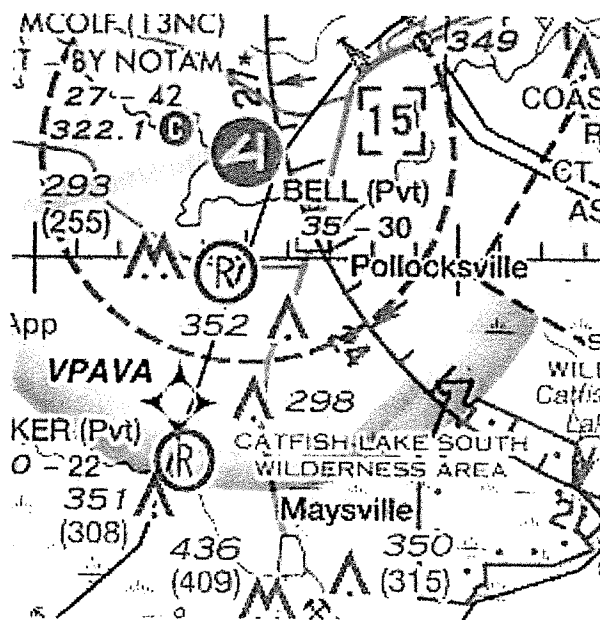
Usage information for the water systems are unknown at this time. Large population growth is

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

not anticipated for the County. If any of the systems appear to be deficient in providing future water and treatment, it is recommended that activities to address the deficiencies are taken to support the communities.

## Transportation (Highways & Airports)

The study area is influenced by several state highways, one US highway and many state maintained roads. Together, these public facilities provide travel needs for goods and services for its citizens, visitors and the military mission alike.



NCDOT State Transportation Improvement Program (STIP). Three NCDOT STIP projects listed on the 2018-2027 STIP are both relevant to this study and located within Jones County. A short listing of these STIP projects is provided below.

R-2514 – (segments B, C & D) -- The 15 miles of US 17 now under construction in Jones County will complete the project linking Jacksonville to New Bern with a four-lane, divided highway. The first phase of the project was a seven mile stretch of US 17 in Onslow County (segment A), completed and opened to traffic in 2007. The \$230 million project includes two bypasses: around the town of Pollocksville; and around the towns of Maysville and

Belgrade. The improvements will greatly enhance safety for drivers by upgrading a dangerous two-lane road to a four-lane highway with full control of access on the bypasses and very limited access on the five-mile stretch of US 17 between Pollocksville and Maysville. NCDOT has recently invested \$24 million to bring on an additional subcontractor to build the Pollocksville bypass, which will result in a 2019 completion date, one year earlier than originally scheduled. The completed project should result in much greater mobility between Jacksonville and New Bern, including military traffic, and should improve the economic development prospects for Jones County.

R-2301 – US 17 – New Bern Bypass – New roadway construction. Known as the New Bern Bypass, the southernmost leg of this project (segment A) links US 17 near the Rhems community to US 70 near the Craven County industrial park. It was completed and opened to traffic in 2011. The Jones County project (R-2514) will connect to the New Bern Bypass just north of its current terminus at existing US 17 near the Jones-Craven County line. This will enable drivers to have quicker, safer access to US 70 from Jones or Onslow Counties, including military traffic. NCDOT invested \$72 million in the southern leg of the bypass, but the northern leg (segment B) remains unfunded and un-programmed during the 2018-2027 STIP. Should it be completed, the project would continue north from US 70 and reconnect to existing US 17 near Vanceboro. The remaining project is expected to cost in excess of \$160 million and would require a new bridge to traverse the Neuse River.

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*Jones County Comprehensive Transportation Plan (CTP).* The North Carolina Department of Transportation (NCDOT) and Jones County initiated a study in 2015 with the intent of cooperatively developing a long-range multi-modal transportation plan. Entitled the Jones County Comprehensive Transportation Plan (CTP), this document covers multi-modal transportation needs through the year 2040. The report documents recommendations for improvements to be made throughout the county, basing its findings on an analysis of the transportation system, environmental screenings and public input. Modes of transportation evaluated include: highway, public transportation and rail, bicycle, and pedestrian.

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## Chapter 5: Compatibility and Land Suitability Analysis

### 5.1 Land Suitability

This section provides a comprehensive inventory and assessment of existing conditions and features important to the CPRJLUS-Jones County. The land suitability analysis augments the Compatibility Analysis by effectively evaluating the study area's potential for new development. The magnitude of this information and the inter-dependencies demonstrated between military and civilian interests reinforces the needs for safeguarding MCOLF-Oak Grove as an asset to the US military and an engine for continued economic growth and development in the surrounding region.

Current plans, policies and ordinances for local governments; expanding utility service areas; the military mission footprint for MCOLF- Oak Grove; and development pressures to continue building in "growth hotspots" throughout the Region will keep land use compatibility and the balance between competing interests important for future years. Identifying potential conflict areas, and enumerating their impacts, should inform recommendations for the joint land use study and help stakeholders prioritize their implementation.

Future-year growth and development in Jones County were studied to determine if, when, or where conditions might occur that create (or make worse) conflicts between military operations and nearby development types, locations, patterns or intensities. Conditions were evaluated for a "community plans" scenario, which represents how the Region might develop if local government plans, policies and ordinances are followed closely.

The magnitude, timing and location of future growth in the Region were measured and evaluated using *ArcGIS*, a software that provides a framework for studying the impacts of physical development or policy decisions using localized data and a series of user-defined parameters. Data provided by state and local governments were used to in the analysis to determine future land suitability.

Features in the Region used to represent highly-constrained areas for development include the following.

- floodplains
- aircraft protection zones
- federal- or state-owned land
- major water bodies
- federal, state or local conservation land
- stream buffer areas

***Approximately 86% of the Region is included in one or more areas that can pose as constraints for future development.***

A map depicting areas highly-constrained for development is provided on the next page (Figure 5-1). The hotter (more red) colors in the map represent areas where development is more likely to occur than areas shaded in blue.

Development status categories used for the CPRJLUS-Jones County include: permanent open space, developed, undeveloped, redevelopment potential and agriculture. Values were assigned in the Region using 2016 aerial photography, property appraiser data, and topic-specific GIS data sets (e.g., existing land use, farmland or vacant land inventories).

Existing development in the Region represents less than 1% of the land area. A majority of the land (95%) is agriculture or undeveloped, which means some of these areas could become new neighborhoods, shopping centers, industrial parks, etc. over time in accordance with local government plans, policies or ordinances. Permanent open space represents approximately 34% of the region. Land cover data from the

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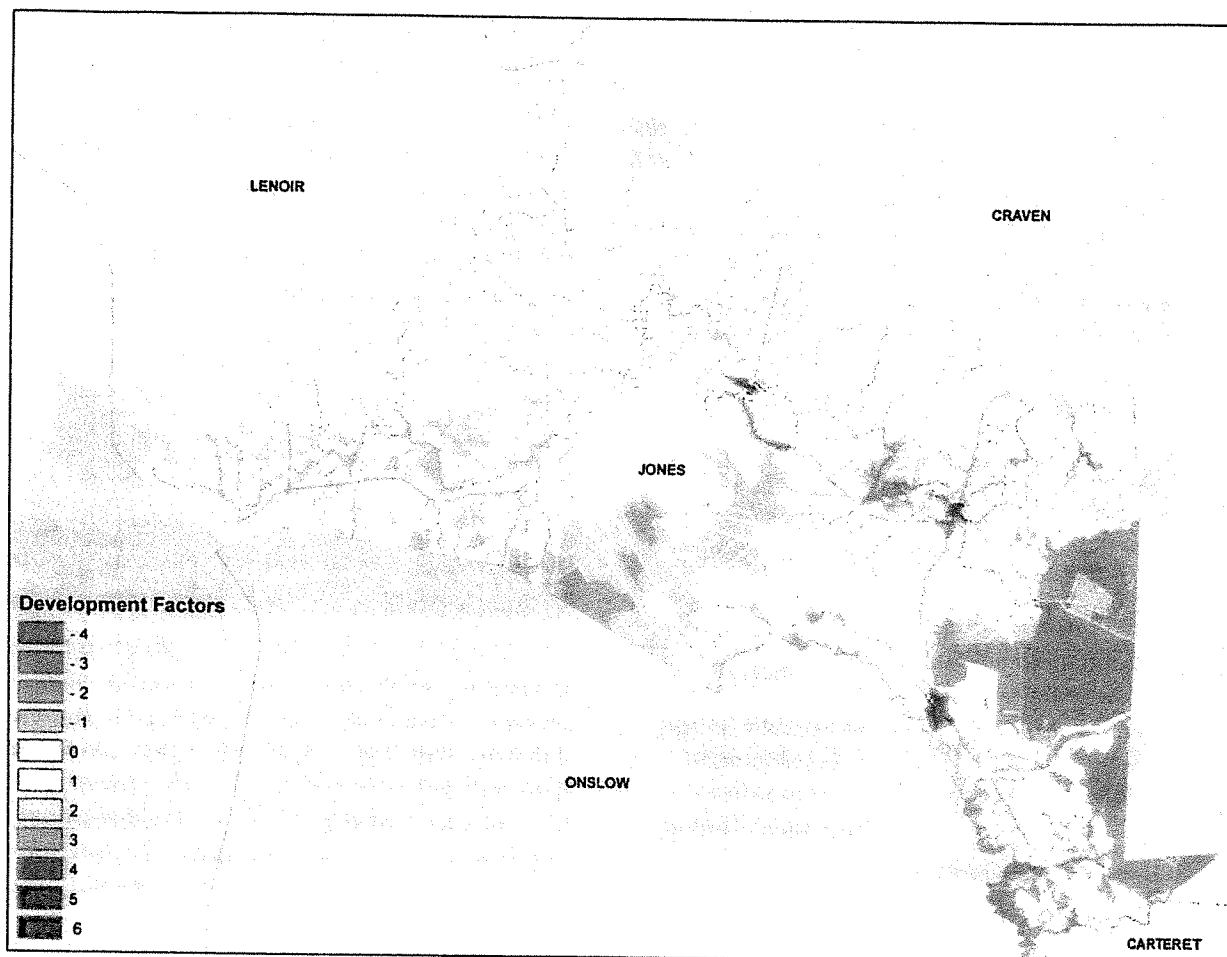


Figure 5-1. Jones County Areas Development Potential

United States Department of Agriculture was used to determine land types in the study area.

Several factors important to preserving the military mission footprint for MCOLF- Oak Grove were evaluated separate from the general development attractors to identify areas of concern for the joint land use study. The military mission footprint factors include:

- Aircraft protection zones (APZs)
- Noise zones

The study of future year growth and development in Jones County confirms that conditions might occur that create (or make worse) conflicts between military operations and nearby development types, locations, patterns or intensities. Identifying potential conflict areas,

and enumerating their impacts, should inform recommendations for the joint land use study and help stakeholders prioritize their implementation.

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## 5.2 Compatibility Analysis

### Compatibility Factors

Compatibility, with respect to military readiness, can be defined as the balance between the goals and needs of the community and the mission requirements of the military. Eleven compatibility factors were identified and analyzed in order to assess the MCOLF- Oak Grove's impact on the local community as well as the community's impact on MCAS operations.

Air Space (Tall Structures)	Land Use
Natural Resources	Light Pollution
Coordination and Communication	Noise
Cultural Resources	Renewable Energy Development
Electromagnetic Interference	Smoke (from Prescribed Burning)
Farmland and Forests	

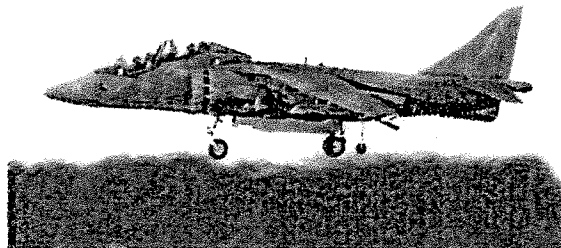
Table 5-1. Compatibility Factors

Each factor was informed by available data and pertinent documents, reports, and studies; input from key stakeholders, including local government staff. These factors represent the primary land use compatibility challenges used to assess impacts from the perspective of both the surrounding community and the MCOLF- Oak Grove.

Encroachment "runs both ways" and it takes many forms. For the military, encroachment pertains to any and all activities, both inside and outside of installation boundaries and terrestrial, which threaten to adversely impact mission training and capability. For the civilian community, encroachment can affect quality of life from loud noise. Land use controls that can help sustain mission capability can also be seen as encroaching on the rights of property owners, affecting

property values and leading to a potential loss of income from development.

Description of the factors and potential impacts from each are described below. These factors are central to mitigating encroachment, improving compatibility with the military mission, and providing for continued economic development and prosperity of the region.



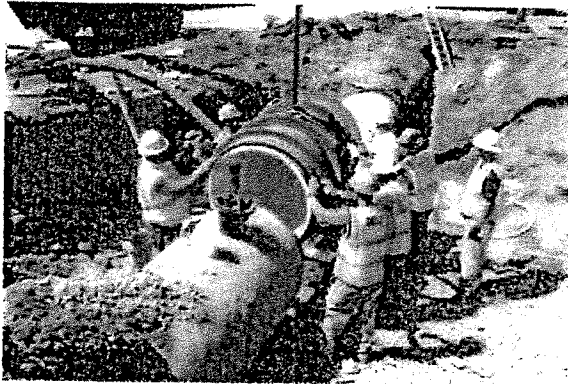
*Air Space (Tall Structures).* Wind turbines present a host of compatibility issues for military aviators. Their height poses flight path hazards and may create line of sight obstructions as well as glare and glint. Oscillation, caused by the rotation of turbine blades and electromagnetic interference, can cause disruption to electronic instrumentation, radio communications, and radar systems.

The MCAS Cherry Point Mission Footprint report identifies a 40-nautical-mile radius where wind turbines are incompatible. The incompatible area encompasses the eastern portion of Jones County. Existing regulations of the counties and municipalities of the JLUS Study Area have curtailed development of commercial-scale wind turbines; nonetheless, the region's wind resources will continue to attract interest from developers. Regional economic development officials have expressed interest in exploring successful wind turbine mitigation strategies from other states.

*Water and Sewer Capacity.* Maintaining sufficient capacity of water/sewer infrastructure is vital for sustaining the military mission and accommodating new growth and economic development. A comprehensive regional water and wastewater plan is needed to address current capacity and to develop a regional strategy to

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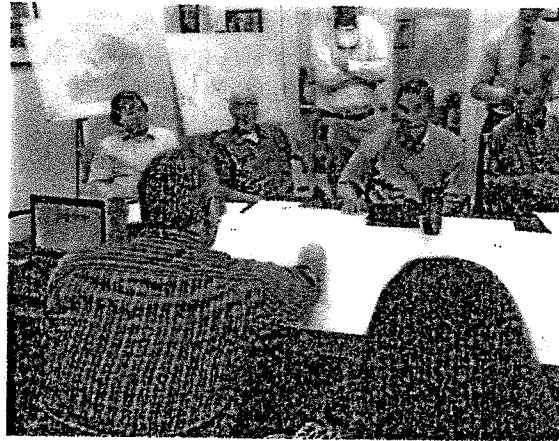
accommodate future residential, commercial and industrial growth. The plan should be developed in coordination with local and regional economic development strategies as well as MCAS plans for development.



*Communication and Coordination.* Presently, communication and coordination between MCAS Cherry Point and its surrounding communities are excellent, especially among the JLUS partners. There is consistent dialogue between local government planning staff and the MCAS Community Plans and Liaison Office on land compatibility issues. The installation maintains strong relationships with its private, state and federal partners, particularly with regard to management of federal lands of the Croatan National Forest and Hoffman Forest.

However, the current strength of communication and collaboration is founded largely upon longstanding personal relationships. Jones County nor the municipalities located within the County have existing written policies or procedures in place to ensure compliance with State statutes requiring notification of land use changes within a five-mile radius of military installations. Measures to institutionalize the current high levels of communication and collaboration include the creation of Military Influence Overlay Districts, adoption of a memorandum of agreement to establish a process of timely and consistent notification and cooperation between local governments of the region, the parties on projects, policies, and activities, and ensuring regional consistency among local ordinances that can impact military

readiness, including height restrictions, exterior lighting standards, and noise regulations.



*Light Pollution.* Light pollution is a major encroachment issue that threatens the military's training capability. 'Dark Skies' are essential to the military testing and night training missions occurring at the MCOLF- Oak Grove and light sources from commercial, industrial, recreational, and residential uses at night can cause excessive glare and illumination, impacting the use of military night vision devices and air operations.

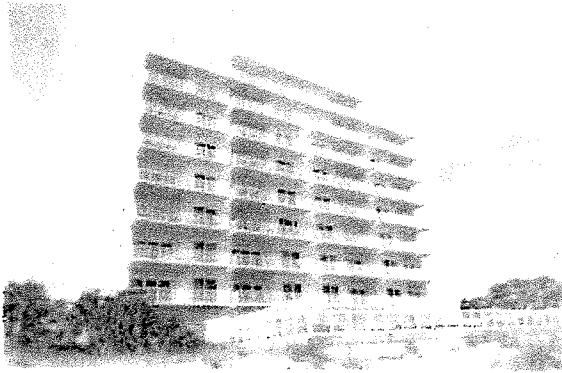
The mitigation of light pollution is of significance statewide. Along with mitigating tall structures and incompatible residential development in key flight paths and approach zones, it is one of the 'three pillars' of maintaining military readiness for all of North Carolina's defense installations and preserving the state's second largest economic sector.

Fortunately, light pollution is one factor that can be readily controlled through a combination of regulatory measures and awareness of new lighting technology. Moreover, dark sky-friendly lighting is widely available and economical.

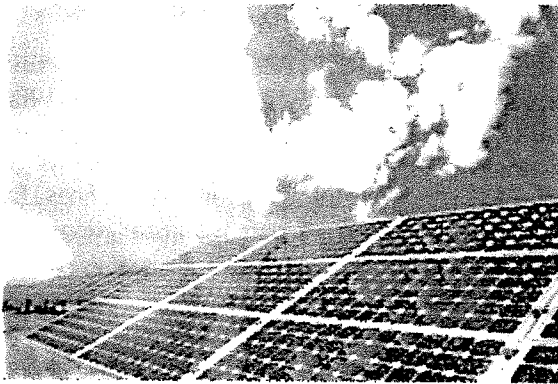
*Land Use.* The analysis of land use focused on land uses within the Accident Potential Zones (APZ) associated with MCOLF- Oak Grove. It analyzed the discrepancies between the compatibility of land uses desired by the MCOLF- Oak Grove and what is currently permitted by surrounding communities. Incompatible land uses are present with the APZ's set forth near the MCOLF-Oak Grove. Through local regulatory

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action, residential densities within APZs for the MCOLF-Oak Grove can be held at existing levels. Regulatory land use management tools and techniques, can be employed within APZs to prevent additional incompatible land uses.



*Noise.* Aircraft operations at the MCOLF- Oak Grove generate some concerns about noise from local property owners. Noise abatement procedures have been implemented at the MCOLF- Oak Grove to lessen the impact of noise on the surrounding community.



*Renewable Energy Development - Solar.* North Carolina is a leader in the solar industry with the second highest volume (per megawatt) of installation in the nation in 2014. Solar energy, as an industry, has created significant growth in construction and manufacturing sectors and represents more than \$2 billion investment in North Carolina. To date, Craven and Pamlico Counties have seen the installation of utility-scale projects, or 'solar farms'.

*Renewable Energy Development - Wind.* North Carolina's developable wind resource exists in the

coastal plains and along the mountain ridges of the west (See Figure 5-2, Appendices). Neighboring Carteret County has the best coastal resource in the State, with developable resources also present in Craven and Pamlico counties. The quality of this resource coupled with the rural landscape and access to transmission is attractive to the development industry and has led to the proposal of wind energy projects in the region. Interest in developing this resource is likely to continue as wind turbine technology advances and the demand for renewable energy increases.

### *Renewable Energy Development - Biomass.*

Biomass is the conversion of organic matter such as animal waste, crop waste, or wood into electricity. Animal production is not large enough in the study area to support a biomass facility. However, the volume of managed timber in the region may provide enough resource to be appealing to future development.

In 2012 the USDA announced that 11 counties (Jones County included) in eastern North Carolina had been selected as a Project Area site for the Farm Service Agency Biomass Crop Assistance Program (BCAP). BCAP provides cost-sharing assistance and soil rental rate payments to produce program-specified energy crops for biofuels feedstock. Currently there are no active Biomass sites in Jones County.

Encouraging the continuation of managed timber is a compatible land use to mission and training operations.

The regulation of renewable energy projects differs among resources. Solar, wind and biomass projects can be handled at the local level through ordinances and zoning controls. Wind projects require a state permit, but there is no statewide permit for solar or biomass outside of compliance within NCDEQ Stormwater Plans, Soil & Erosion Control Permits where applicable. At the federal level, the Department of Defense Siting Clearinghouse reviews all proposed energy projects to determine impacts on military test, training, and operations missions.

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Appendix 7.6 contains draft language for a solar ordinance that should be considered a starting point when adopting regulation for solar energy projects.

*Natural and Cultural Resources.* The identification of environmental resources as natural buffers and conservation opportunities is a valuable method for reducing future conflict between MCOLF- Oak Grove and the surrounding communities.

There are over 100 prehistoric and historic archaeological sites in Jones County. Changes to the sites may be regulated by the North Carolina State Historic Preservation Office or a Local Historic District Commission. Increased air training operations in proximity to these resources, particularly historic districts, have the potential to negatively impact the resource and should be avoided by MCOLF- Oak Grove where possible.

There are many areas in the study area that may be eligible for a historic designation. Recent surveys have been completed, but official designations have not been provided. Consultation with the North Carolina Historic Preservation Office should occur to determine the compatibility of structures on MCAS training operations.

The continued protection of environmental resources in the region is important to maintaining the mission and operational ability of MCAS as well as the regional economy. The natural buffers created by these resources should be protected and maintained through continued coordination with federal, state and local agencies. Future conservation opportunities should be focused on maintaining federal ownership and following trends in private development on or near environmental resources that may conflict with the mission. Conservation opportunities that both protect the mission and increase tourism or access to recreational activities should be given the highest priority as they are mutually beneficial to the installation and the regional community.

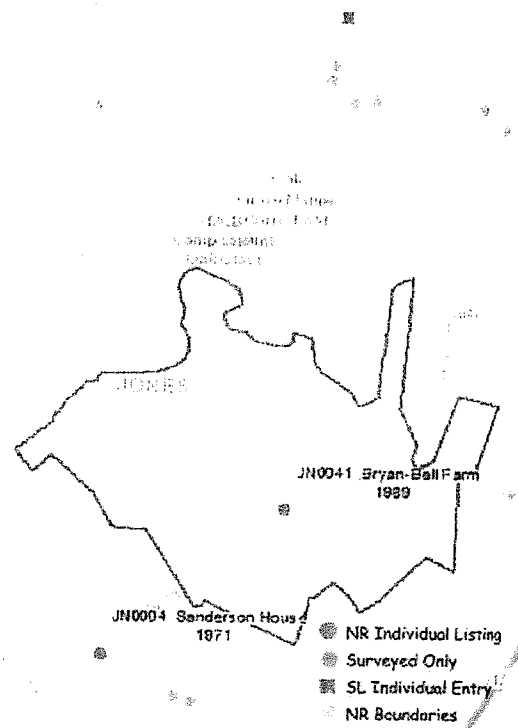


Figure 5-1. Recent historic surveys and designations. North Carolina State Historic Preservation Office HPOWEB GIS

Any future development should be analyzed with current noise zones and APZ guidelines to ensure compatibility with MCOLF-Oak Grove. General areas of concern highlighted in the future development potential study include:

Potential conflicts (land use compatibility and height compatibility) between future development and aircraft operations inside the designated noise zones for the MCOLF-Oak Grove.

Potential conflicts (height compatibility) between future development and aircraft operations in designated flight corridors for the MCOLF-Oak Grove.

State Legislation Permitting or Impeding Use of Development Controls

State legislation deeply influences the level of control that local governments exercise in their

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planning jurisdictions. North Carolina is (generally) a "Dillon's Rule" state; legislative authority given to local governments is expressly provided in the North Carolina General Statutes. If this authority is not spelled out in the N.C.G.S., then historic case law suggests that local legislation passed outside of that authority is likely to be reversed in court. The following is summary of some of the actions that North Carolina has taken to insert or modify language into the N.C.G.S. that are particularly relevant to the MCAS-Cherry Point and surrounding communities.

*The Military Lands Protection Act, N.C.G.S. 143-151.70 et seq.* The Military Lands Protection Act was enacted in 2013 to preserve, maintain, and sustain land uses compatible with military activities at major installations:

*"North Carolina has a vested economic interest in preserving, maintaining, and sustaining land uses that are compatible with military activities at major installations. Development located proximate to military installations has been identified as a critical issue impacting the long-term viability of the military in this State. Additional concerns associated with development include loss of access to air space and coastal and marine areas and radio frequency encroachment. The construction of tall buildings or structures in areas surrounding major military installations is of utmost concern to the State as those buildings and structures may interfere with or impede the military's ability to carry out activities that are vital to its function and future presence in North Carolina." N.C.G.S. 143-151.72*

No county or city may authorize the construction of and no person may construct a tall building or structure (200 feet or more) in any area surrounding a major military installation in this State, unless the county or city is in receipt of either a letter of endorsement issued to the person by the Building Code Council pursuant to N.C.G.S. 143-151.75 or proof of the Council's failure to act within the time allowed pursuant to N.C.G.S. 143-151.75.

**NOTE:** The law exempts wind turbines from this review process. (Wind turbines must go through the DENR permit process.)

*Notify Military of Land Use Changes, N.C.G.S. 153A-323(b).* This statute provides that if the adoption or modification of an ordinance would cause changes to the zoning map or would affect the use of land within five miles of a military base, the board of commissioners must provide written notice to the military station commander. If the military provides comments regarding the compatibility with its operations, the board must consider these comments before making a final determination on the ordinance.

*Permitting of Wind Energy Facilities.* Commonly referred to as House Bill 484, Session Law 2013-51 established a permitting program, to be implemented by the Department of Environmental Quality (formerly the Department of Environment and Natural Resources), for the siting and operation of wind energy facilities in the state. The permit process is designed to ensure that military, natural and cultural resource interests are considered prior to permits being issued for wind turbines. House Bill 484 requires notice to military installations and theoretically, will ensure no turbines are erected in military flight patterns.

### *Local Efforts/Land Conservation/Preservation Programs*

One of the simplest ways to mitigate encroachment is through conservation and preservation of parcels adjacent to military installations. Acquiring such lands or placing perpetual conservation easements upon them has the added benefit of being a permanent long-term solution to the encroachment issue. Key initiatives include:

*Milliken Endowment Fund for Military Base Land Conservation, 1999-2009.* This is an effort to sustain family farms and forests by protecting agricultural land use underlying military flight paths; lead by N.C. Foundation for Soil and Water Conservation, Inc.

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([http://aircsw.edu/research/military\\_projects\\_southeast.php](http://aircsw.edu/research/military_projects_southeast.php))

*Southeast Regional Partnership for Planning and Sustainability (SERPPAS)*. This is a regional association of agricultural, environmental, and military interests covering North Carolina, South Carolina, Georgia, Alabama, Florida, and Mississippi. SERPPAS works to mitigate the ongoing loss of agricultural land, important wildlife habitats, and working landscapes such as farms, forests, and fisheries in order to avoid or reverse increased encroachment on military installations. <http://serppas.org/About.aspx>

## Other Funding Sources

Clean Water Management Trust Fund - Specifically authorized (and mandated in recent budgets) to provide buffers around military bases or for State matching funds for the Readiness and Environmental Protection Initiative, a federal funding initiative that provides funds for military buffers.

Agricultural Development and Farmland Preservation Trust Fund - Supporting the purchase of agricultural conservation easements on farm, forest, and horticulture lands.

North Carolina Parks and Recreation Trust Fund - Matching grants to local governments for public parks and recreational projects.

North American Wetlands Conservation Fund - Federal grant program through U.S. Fish and Wildlife Service.

Land and Water Conservation Fund - Federal grant program through the National Park Service.

Harold H. Bate Foundation - Local grant funds available for public/private partnerships in Craven, Pamlico, and Jones counties.

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## Chapter 6: Recommendations

This section identifies and organizes the recommended actions (strategies) developed and compiled from independent research by the consultant team and interviews with Jones County Recreation Department, local Cooperative Extensive Director, Maysville Town Manager, Jones County Committee of 100, Mayor of Pollocksville, Town of Trenton Clerk, and Jones County Health Department.

### 6.1 Community Facilities, Infrastructure, and Services

Interviews with local stakeholders were performed to better understand the existing infrastructure in the area and how military operations impact facilities and services. Jones County is home to some military personnel. Interviewees attributed the lack of attractiveness to lack of amenities, such as higher end retail/grocery stores, local medical providers and inadequate transportation services.

*Update the Station Master Plan Frequently*  
MCAS Cherry Point should implement the recommendations of the Station Master Plan, which should be reviewed and updated every five years. The Master Plan should include plans for all airfields in use by MCAS. Local governments should recognize the positive impact that area recreational and cultural amenities have on MCAS Cherry Point and continue to support the maintenance and construction of such facilities in their annual budgets and capital improvements programs.

*Regional Water and Wastewater Plan.* Support the development of a regional water and wastewater analysis and plan to evaluate the impact of future residential, commercial and industrial growth. The plan should incorporate recommendations of regional economic development strategy and identify improvements necessary to accommodate growth to include estimates of costs, funding sources and a completion timetable.

*Regional Economic Development Strategy.* Support the development of a regional economic development strategy that provides a vision, strategy framework, goals and recommendations for education and workforce development, attracting and retaining business and investment, entrepreneurship/innovation, infrastructure, and quality of life improvements to support commercial and industrial growth in the CPRJLUS Region.

#### *Intergovernmental Planning Coordination*

The level of coordination and cooperation among the study area partners, particularly between the Base and the local governments has had issues but has significantly improved over the last several years. This coordination has directly contributed to the successful completion of many of the recommendations outlined in the 2002 JLUS. However, these coordination activities are primarily based on the good will and professionalism of the participants. Interviewees noted that Base Management has not been regular with notifications on flight training and bombing exercises. Organizational protocols necessary to for operations to continue seamlessly should be developed and implemented. Input from all areas supporting military operations should be included in coordination efforts.

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*Establish Military Influence Planning Districts.* Local governments within the Cherry Point CPRJLUS-Jones County should establish 'military influence planning districts' to coordinate communications with the military installation and to align noise/lighting/disclosure requirements with economic development goals. Local governments also should codify procedures for compliance with NCGS 153A-323b. These actions would: (1) ensure that the high level of communication and collaboration among Jones County and its partners remains in perpetuity; and (2) ensure consistency of compliance among all local governments of the Region.

The following are ten specific operational strategies that can be undertaken now to create opportunities for coordination and collaboration with local, state, and federal partners.

*Participate in a Regional Workshop on Wind Energy and Military Compatibility.* MCAS Cherry Point should participate in a one-day workshop between representatives from the Department of Defense to discuss wind turbine mitigation measures pertaining to the UAS Operations/GBSAA Wind Turbine Incompatibility Map (see p.8, Marine Corps Air - Station Cherry Point and Ranges Military Mission Footprint). The workshop could provide more data on specific aspects of incompatibility in the Cherry Point Region (i.e. radar, physical obstruction, electromagnetic interference, other) and illustrate case studies of successful mitigation strategies from other states.

*Comprehensive Regional Water/Wastewater Plan.* The MCAS Cherry Point should partner with Jones County to develop a comprehensive regional water and wastewater plan to address residential capacity observations and to develop a regional strategy to accommodate future residential, commercial and industrial growth. This plan should correlate with the growth and development model included in this CPRJLUS study. Robust coordination with local economic development strategies, either adopted or in progress within the Region, is also recommended.

*Establish an Expanded Notification Process.* Adopt a Memorandum of Agreement to establish a process to ensure timely and consistent notification and cooperation between the parties on projects, policies, and activities.

*Expand Coordination Points.* Actively participate in the Allies for Cherry Point's Tomorrow (ACT).

*Improve the Awareness of the Established Noise Protocol.* Protocols are in place to notify the public of impactful aircraft and ground activity at the MCOLF- Oak Grove. However, as shared during the stakeholder interviews, notifications are not always shared. The public should be made aware of these restrictions, via the local media outlets as well as Jones County website and the MCAS Cherry Point website. These notices should be preceded by a community outreach meeting to fully disclose the restrictions and protocol for reporting a violation. Citizens should be made aware that perceived violations of these restrictions should be directed to the Public Affairs Office at MCAS Cherry Point and to Jones County.

*Support Compatible Renewable Energy Practices and Projects.* Promote renewable energy development that is compatible with military operations through increased collaboration and coordination with existing initiatives, including Food and Fuel for the Forces and programs of the NC Military Business Center and NC East Alliance. This support should include planning and development of infrastructure for biomass production.

*Create Opportunities for More Frequent and More Regular Land Development Coordination.* Coordination efforts should occur between Jones County stakeholders and Cherry Point to explore and discuss mutual objectives for land compatibility and future development and/or disposition of lands.

*Coordinate Future Land Sales and Exchanges.* Convene summit of Croatan National Forest managers and other relevant stakeholders and explore establishment of protocol to coordinate future land sales and exchanges.

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*Increase Awareness of Prescribed Burning Best Practices.* Collaborate with NC Prescribed Fire Council to convene stakeholders and explore strategies to increase public awareness of the necessity of prescribed burning.

## 6.2 General Policy Recommendations

The foundation of the CPRJLUS-Jones County is a community-driven, cooperative, strategic planning process among Cherry Point, Jones County and neighboring towns. As such, the project represents a true collaborative planning effort. The 22 recommendations in this section are the product of a consensus among stakeholders, and provide a practical, coordinated approach to continued regional planning for military/civilian land compatibility.

Each of the recommendations incorporate one or more actions that can be implemented to promote compatible land use, prevent further encroachments upon the military mission, mitigate existing incompatibility, and facilitate compatible economic development. The recommended strategies function as tools to aid the community in their goal of ensuring the continued sustainability of the military mission at MCAS Cherry Point. Collectively, these strategies represent an assertive and coordinated approach that will demonstrate the region's commitment to that goal.

The key to the implementation of the strategies is the continued efforts of the CPRJLUS-Jones County Leadership Committee to oversee execution of recommendations. Through this committee, local jurisdictions, MCAS Cherry Point, and other interested parties can continue their initial work together to establish procedures, recommend or refine specific actions for member agencies, and make adjustments to strategies over time to ensure the CPRJLUS-Jones County continues to resolve key compatibility issues through realistic strategies and implementation.

Concurrent with the efforts of the TAC, each jurisdiction within the MCAS Cherry Point Region should establish their own course of action to execute strategies unique to them through the

ongoing collaboration of planners, leadership, and the public. Each jurisdiction may revise and refine these recommendations for their unique circumstances and use for tracking implementation actions and progress.

The strategies described in the Recommendations Matrix were designed to address the issues identified during this CPRJLUS-Jones County study. The purpose of each strategy is to: (1) avoid future actions that would cause new or additional incompatibilities or exacerbate an existing incompatible use or activity; (2) mitigate or eliminate an existing compatibility conflict or reduce its adverse impacts; and (3) provide a framework for continued regional collaboration on MCAS sustainability.

*Recommended Strategy* - the recommendation developed through consultation and discussions with the Leadership Committee.

*Time Frame*—a projected year by which to begin or complete a specific action. Year 2018 should be regarded as an 'immediate' action, and Years 2017-18 as 'near term' action. Strategies beyond the next two years are considered 'long-term' actions or referenced in the study as future considerations for implementation.

*Cost* – 'Not Applicable' (N/A) indicates that an action can be accomplished through ongoing government operations and routine administrative expenditures. These would include adoption of ordinances, revisions, or convening with stakeholders. 'To Be Determined' (TBD) indicates the action may require additional professional and technical expertise and consultation services; possible expenditures for new programming and agency staff to implement; or new capital investments.

Table 6-1 on the following pages outlines the recommendations Jones County should implement to ensure future growth is compatible with active military operations. The strategies would also guide economic development that is compatible with planning goals set for the future.

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Table 6-4: Recommendation Matrix

Issue Priority:	Recommendation	Timeline	Recommendations
1	Strengthen Tall Structure and Wind Turbine Regulations. Wind energy development has been a controversial issue in the region. While significant wind resources exist for potential development, a January 2015 military report identifies a 40-nautical mile radius where wind turbines are incompatible. The incompatible area encompasses the entire CPRJLUS-Jones County region. Wind turbines present a host of compatibility issues for military aviators. Their height poses flight path hazards and may create line of sight obstructions as well as glare and glint. Oscillation, caused by the rotation of turbine blades and electromagnetic interference, can cause disruption to electronic instrumentation, radio communications, and radar systems.		
<b>Compatibility Factors: Air Space, Electromagnetic Interference; Land Suitability Factor: Height</b>			
1.1	Strengthen Tall Structure ordinances by creating uniform standards throughout the region. Other Partners: Other counties in the JLUS study area	2020	N/A
1.2	Adopt Tall Structures Ordinance for regional conformity for wind turbine development standards based on the Carteret County ordinance.	2020	N/A
1.3	Other Partners: All municipalities in the County Amend Tall Structure Ordinances to include references to the NC Session Law 2013-51 (Wind Energy Facilities Permitting Program) and 2014-79 (Military Lands Protection Act).	2020	N/A
1.4	Conduct Regional Workshop on Wind Energy and Military Compatibility. Invite representatives from Department of Defense to discuss wind turbine mitigation measures pertaining to the UAS Operations/GBSAA Wind Turbine Incompatibility Map. Not only is the GBSAA and control of UAS an issue. The overall ability to control air traffic in general is at risk from this potential encroachment, specifically in Special Use Airspace and in the traffic patterns of MCAS Cherry Point and its associated Auxiliary and Outlying Airfields. The workshop could provide more data on specific aspects of incompatibility in the Cherry Point region (i.e. radar, physical obstruction, electromagnetic interference, other) and illustrate case studies of successful mitigation strategies from other states. Other partners: Marine Corps Air Station East (MCIE), NC Department of Commerce, NC Department of Military & Veterans Affairs, North Carolina Sustainable Energy Association; Weyerhaeuser	2019	TBD

## Regional Joint Land Use Study Marine Corps Air Station Cherry Point

<b>Issue Priority:</b>	<b>Conduct Infrastructure Capacity Analysis.</b> This was one of several important topics related to MCAS sustainability that emerged during stakeholder interviews. While a comprehensive analysis is beyond the scope of this regional joint land use study, it should carry forward as a recommendation for action.		
2	<b>Compatibility Factor: Infrastructure Capacity; Land Suitability Factor: Development</b>	Join regional partners in developing a comprehensive regional water and wastewater plan to address identified residential capacity observations and to develop a regional strategy to accommodate future residential, commercial and industrial growth. This plan should correlate with the growth and development model included in the CPRJLUS-Jones County as well as a complete and thorough coordination with local economic development strategies adopted or in progress within the region. A sample request for proposal for a study of this type is provided in the Appendices (Exhibit 6-2).	2019
2.1		Other Partners: County and municipal public utility departments; MCAS Cherry Point facilities; local and regional economic development and planning organizations.	\$50K

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

Issue Priority:	Establish 'military overlay influence districts' to coordinate communications with the military installation and to align noise/lighting/disclosure requirements with economic development goals. Local governments with the Cherry Point Regional JLU Region should codify procedures for compliance with NCGS 153A-323b. These actions would: (1) ensure that the high level of communication and collaboration among the CPRIJUS-Jones County partners remains in perpetuity, and (2) ensure consistency of compliance among all local governments of the region. The following recommendations can be formulated and implemented by local governments within the region in the short term.			
3	<b>Compatibility Factor: Communication and Coordination</b>			
3.1	All local governments with territorial authority within the area of a 5-mile radius of military property should incorporate the notification requirement of NCGS 153A-323b into administrative procedures and permit application submittal requirements. Other partners: All municipalities within 5-mile radius of military property.	2019	N/A	
3.2	Municipalities in Jones County should ensure their land use ordinance provisions are consistent with their respective counties relative to Tall Structures. Other Partners: All municipalities in Jones County.	2019	N/A	
3.3	Amend County and Municipal Land Use Plans to create Military Influence Overlay Districts (MIOD). MIODs would consist of all areas within a 5-mile radius of a military installation, facility, or training site. Primary compatibility factors for the MIODs should include communication and coordination regarding safety, noise, vertical obstructions, infrastructure extensions, residential density, lighting, and disclosure requirements. Other partners: All municipalities within 5-mile radius of military property; NCDOT; Croatan National Forest; Hoffman Forest (NCSU)	2019	N/A	
3.4	Adopt Memorandum of Agreement to establish a process to ensure timely and consistent notification and cooperation between the parties on projects, policies, and activities. A proper notification eliminates communication issues that was shared by the stakeholders during the planning process. Share the process with Allies for Cherry Point's Tomorrow (ACT) Planning Committee to ensure compatibility with other processes.	2019	N/A	
3.5	Conduct comprehensive regional survey of public attitudes toward the military presence in North Carolina. Other partners: Eastern Carolina Council/Consultant; Down East RPO, NC Military Affairs Commission; Department of Commerce; Allies for Cherry Point's Tomorrow (ACT)	2020	TBD	

## Regional Joint Land Use Study Marine Corps Air Station Cherry Point

<b>Issue Priority:</b>	<p><b>4</b> Adopt 'Dark Sky' ordinances to help prevent ambient light encroachment. The military needs dark skies for effective nighttime operations and flight training. Night testing and training is an essential to the military missions at MCOLF- Oak Grove. Pilots conduct realistic night flight scenarios including LHD landing practice, night precision runway approaches and landings, and low-visibility operational testing. Light sources from commercial, industrial, recreational, and residential uses at night can cause excessive glare and illumination, impacting the use of military night vision devices and air operations.</p>		
<b>Compatibility Factor:</b>	<b>Light Pollution</b>		
4.1	Evaluate and compare existing local ordinances for outdoor lighting standards with dark sky lighting ordinances from other North Carolina municipalities. Determine if local measures meet International Dark Sky Association guidelines, and if so, consider as a template for region-wide standards.	2019	N/A
4.2	Adopt Dark Sky Lighting Ordinance that minimizes urban sky glow and potential for light trespass onto adjacent properties. Specific development standards should be incorporated into zoning ordinances and building codes of each jurisdiction including areas adjacent to installation boundaries. The ordinance should also include regulation of LED billboards in important flight paths and approach departure corridors.	2020	N/A
4.3	Invite private sector participation in workshops and seminars for local contractors, developers, and local government building inspectors and planning officials to provide technical information on the installation, use, and maintenance of dark sky-approved lighting systems.	2019	N/A
Other partners: NC Military Business Center, NC League of Municipalities			

Issue Priority:	Address density/development concerns around MCOLF- Oak Grove. Currently there are a few incompatible land uses, especially residential in the vicinity of the MCOLF- Oak Grove. Unless curtailed, this could be a negative factor in a future BRAC evaluation. Within APZs for the MCOLF- Oak Grove, retain residential density at existing levels. Use existing voluntary and regulatory tools, develop new land use and management techniques, and establish incentive and acquisition programs to maintain and prevent density development in the APZ area.		
5	<b>Compatibility Factors: Accident Potential Zones, Land Use; Land Suitability Factor: Development</b>		
5.1	Retain existing density within APZ-1 and APZ-2 . The predominate land uses under all noise zones are comprised of either agricultural, forested, or land contained within the MCOLF Oak Grove installation. According to the AICUZ there are no structures at MCOLF Oak Grove located within the clear zones. Any new structures at MCOLF should be located outside of the clear zones.	2019	N/A
5.2	Consider changing residential land use parcels along near APZ-1 and APZ – 2 to non-residential uses.	2019	N/A
5.3	Review the AICUZ for MCOLF- Oak Grove for compatible densities and uses. Figure 4-1 reviews land use compatibility with noise zones.	2019	N/A
5.4	Future subdivision plans/plats should add a note for developers and future owners to recognize APZ and noise contours for the area.	2018	N/A

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<b>Issue Priority:</b> 6	Low Altitude Flight Avoidance Protocol. Discussions with the leadership in Pollockville revealed that Base management communications have not been regular in offering advance notifications of operation exercises that may impact the area.		
<b>Compatibility Factor:</b> Noise; Land Suitability Factor: Noise			
6.1	Protocols are in place to notify the general public of impactful aircraft and ground activity at MCOLF- Oak Grove. However, as verbalized in a meeting, the citizens are not aware of the published noise abatement/avoidance protocol for the use of MCOLF- Oak Grove. The public should be made aware of these restrictions via local media outlets and Jones County's and MCAS Cherry Point websites. These notices should be preceded by a community outreach meeting in the area to fully disclose the restrictions and protocol for reporting a violation. Citizens should be made aware that perceived violations of these restrictions should be directed to Air Operations-MCAS Cherry Point. MCAS – Cherry Point should periodically notify the Jones County Planning & Inspections Dept. of complaints and follow-on actions.	2019	N/A
6.2	Other Partners: Cherry Point Operations; Cherry Point Public Affairs; Cherry Point Community Plans & Liaison Office; Jones County Planning & Inspections; neighborhood organizations. Review notification protocols with local governments to ensure pathways are clear to receive and distribute appropriate information regarding operations that impact Jones County residents.	2019	N/A
6.3	Actively participate in Allies for Cherry Point's Tomorrow (ACT) to understand activities at Cherry Point as well as share needs for the local government and citizens.		

Issue Priority:		Renewable Energy Development – Policies and Regulations. The conversion of renewable resources such as wind, solar and biomass, into electricity, is a fast-growing sector in North Carolina's economy and a growing part of the State's energy mix. Access to renewable energy, including the ability to install these projects on military bases, is also a goal of the Department of Defense.
7		
Compatibility Factor: Renewable Energy		
7.1	Promote renewable energy development that is compatible with military operations. Collaborate and coordinate with existing initiatives including Food and Fuel for the Forces and programs of the NC Military Business Center and NC East Alliance. These include planning and development of infrastructure for biomass production.	2019
7.2	Adopt Solar Energy Development Ordinance using the Carteret County Ordinance <i>Regulating the Operation and Maintenance of Solar Energy Facilities</i> (see Appendices) as a template. For modifications due to local conditions, as a reference, use the <i>Template Ordinance for Solar Energy Development in North Carolina</i> developed by the North Carolina Sustainable Energy Association and the North Carolina Clean Energy Technology Center	2019
		N/A
		N/A

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Chapter 7: Practitioner's Guide

### 7.1 Overview

This section is intended to work as a stand-alone guide to assist local government staff and elected officials in the implementation of the three major recommendations contained in the MCAS Cherry Point Regional JLUS: (1) Strengthen Tall Structure and Wind Turbine Regulations; (2) Adoption of 'Dark Sky' ordinances to help prevent ambient light encroachment, and (3) Establish Military Influence Overlay Districts (MIODs) to coordinate communications with military installations. It will also inform citizens of the region on these key issues pertaining to the long-term sustainment of the MCAS. The document will provide background information and describe a general approach toward addressing these issues by local governments, non-profit organizations and partnerships, and the business community.

For the practitioner, most likely staff of local governments within the Region, this Guide will provide documentation in the form of case studies, model ordinances, and examples of adopted plans and ordinances from other communities to initiate a process for implementing specific recommendations. Where applicable, suggested amendments to existing ordinances are provided. In addition to Exhibits referenced herein, along with other Appendices, Figures, and Tables provided in the Technical Report, this Guide contains hyperlinks to the various reports, studies, and data from a broad range of sources used in the preparation of the Report recommendations.

The goal of this Practitioner's Guide is to:

Provide a framework for discussion of issues surrounding the CPRJLUS-Jones County recommendations with citizens, interest groups,

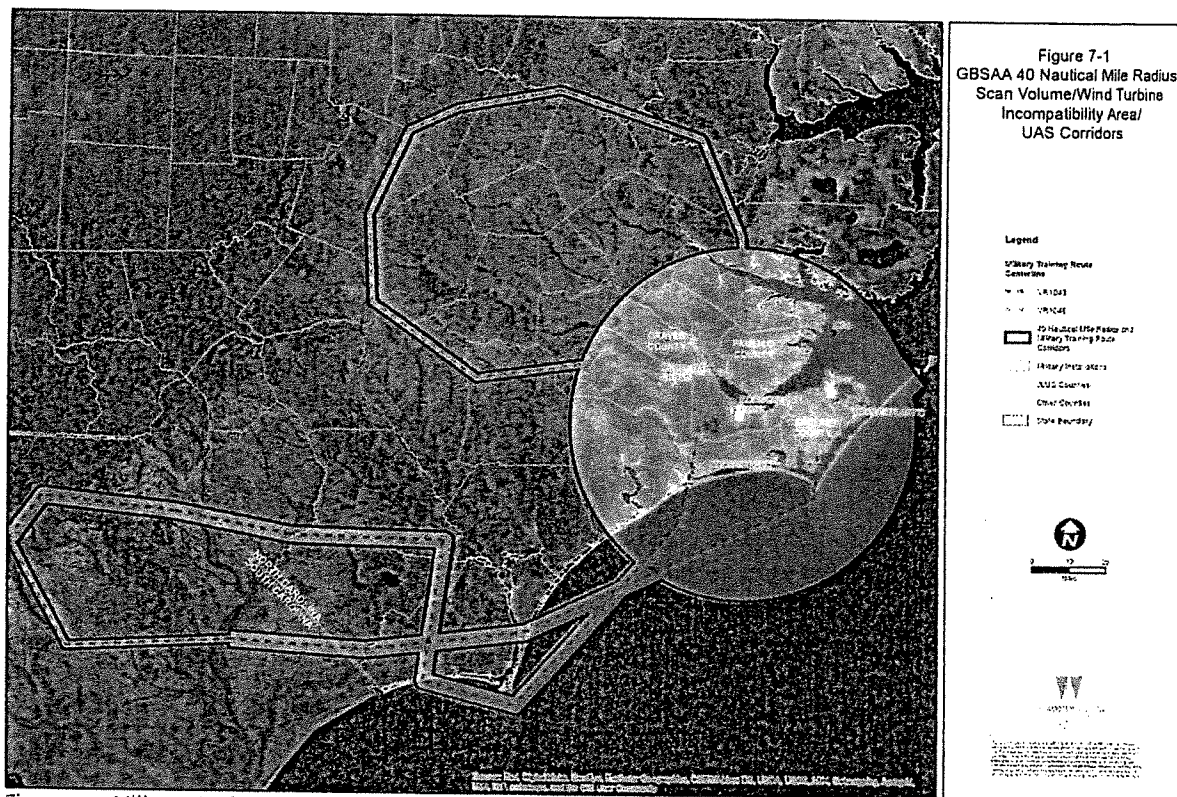
elected officials and their appointed advisory boards.

Provide ample data for the preparation of new ordinances, amendments to existing ordinances, plans and programs identified in the Recommendations Matrix of this report (Table 6-1).

Provide a document that can be utilized by staff on a continuing basis and serve as a source of 'institutional knowledge' that will persist through normal and expected staff turnover, changes in appointed and elected boards, and rotation of MCAS personnel.

*Format.* The main sections of this Guide address the three Issue Priorities indicated above. Each Recommended Strategy (*refer to Issue Priority and Recommendations, Table 6-1*) will contain a brief background or summary paragraph, which will refer to pertinent Exhibits that will provide additional, supporting information. A suggested Approach to Implementation will be provided as starting point for action at the staff level. 'Other Resources' will refer to additional studies and reports used in the development of CPRJLUS-Jones County recommendations; as noted, these resources can be sourced on the website address cited above. A "fact sheet" is also provided for each of the three priority issues as a quick reference guide, as noted previously.

*Disclaimer.* This document is a guide, and is not intended to provide 'review-and-adoption-ready' language for the preparation of text amendments or new ordinances for review by planning boards, technical review committees or governing boards.



### Figure 7-1. Military Review Requirements

**GOAL: Strengthen Tall Structure and Wind Turbine Regulations.**

Wind energy development has been a controversial issue in the Region. While significant wind resources exist for potential development, the January 2015 *Marine Corps Air Station Cherry Point and Ranges Military Mission Footprint* report identifies a 40-nautical mile radius where wind turbines are incompatible (Figure 7-1). The incompatible area encompasses the entire CPRJLUS-Jones County Region. Wind turbines present a host of compatibility issues for military aviators. Their height poses flight path hazards and may create line of sight obstructions as well as glare and glint. Oscillation, caused by the rotation of turbine blades and electromagnetic interference, can cause disruption to electronic instrumentation, radio communications, and radar systems.

The following is a set of recommendations designed to avoid or mitigate the negative consequences of tall structures to MCAS Cherry Point operations.

*Recommendation 1.1: Strengthen Tall Structure ordinances by creating uniform standards throughout the Region.*

*Recommendation 1.2: Amend Tall Structures Ordinance for regional conformity for wind turbine development standards based on the Carteret County ordinance.*

The encroachment of tall structures into military air space, flight paths, and approach zones is a critical issue of military/civilian land use compatibility and has long been a priority encroachment concern for all North Carolina military installations.

Neighboring Carteret, Craven, and Pamlico County have adopted tall structures or wind energy ordinances to regulate the development of small, large and utility scale wind projects in their respective communities. The Carteret County Tall Structure Ordinance (refer to Appendices ,Exhibit 7-1 for the complete ordinance) is the most stringent in the Region and provides the most concrete guidance on tangible criteria like setbacks,

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noise, and shadow flicker. The contents of these ordinances vary widely.

*Approach to Implementation* Adopt language similar to neighboring counties to guide future development of tall structures to conform to area guidelines. It is also recommended to amend respective ordinances to match the setback requirements and noise control levels of the Carteret ordinance.

*Recommendation 1.3: Amend Tall Structure Ordinances to include references to the NC Session Law 2003-50 (Wind Energy Facilities Permitting Program) and 2014-79 (Military Lands Protection Act).*

All three County ordinances require review and comment by MCAS Cherry Point on all wind energy applications. While the desire for input from MCAS is understandable, it is in conflict with the protocol established in the 2011 Ike Skelton Defense Authorization Act, which requires that all comments on proposed energy projects must come through the [DoD Clearinghouse](#).

All energy projects are formally reviewed by the Clearinghouse as part of the Federal Aviation Administration (FAA) review. Developers are encouraged to contact the Clearinghouse for informal review early in the development process to identify areas of incompatibility with the military mission and determine if appropriate mitigation measures are available. The 2011 act requires local base commanders and/or their designated personnel to participate in this process. The MCAS Cherry Point CPLO (Community Planning & Liaison Office) serves as the commander's designee for this review.

*Approach to Implementation* Amending these ordinances to require applicants to show that they have successfully completed DoD review through the Siting Clearinghouse may be a more effective way to address this concern without putting local commanders in a position where a local entity is asking them to disrupt DoD protocol. The Town of Newport Code, Appendix A, Article 9-6.1(b) provides sample language for requiring proof that review has been completed (see Exhibit 1.3-A).

*Recommendation 1.4: Conduct Regional Workshop on Wind Energy and Military Compatibility Issues*

*representatives from Department of Defense to discuss wind turbine mitigation measures pertaining to the UAS Operations/GBSAA Wind Turbine Incompatibility Map. The workshop could provide more data on specific aspects of incompatibility in the Cherry Point region (i.e. radar, physical obstruction, electromagnetic interference, other) and illustrate case studies of successful mitigation strategies from other states.*

The Wind Turbine Incompatibility Map referenced above depicts the entire CPRJLUS-Jones County region as incompatible for wind energy development, and local ordinances have been effective at discouraging development of the wind resource in the Study Area. To date, no utility-scale projects have been constructed. However, the quality of the coastal plain's wind resources is the best in North Carolina, if not the Southeast. Coupled with the rural landscape and access to transmission, this resource continues to be attractive to the wind energy industry. Interest in developing this resource is likely to continue as wind turbine technology advances and the demand for renewable energy increases.

The proposed development of renewable energy projects has been a contentious issue in the study area for nearly a decade. Regulation of these projects is worthy of further study with stakeholders from the military, local government, developers and landowners at the table. The impacts of proposed renewable energy projects are not universal; they are mission specific. Physical obstructions, radar interference and glare are potential impacts to mission compatibility from proposed renewable energy projects, and they are all impacts that have been successfully mitigated through careful stakeholder coordination.

*Approach to Implementation* In addition to all parties of the MCAS Cherry Point Regional CPRJLUS-Jones County, other partners should be convened, including the NC Department of Commerce, NC Department of Military & Veterans Affairs, the North Carolina Sustainable Energy Association, renewable energy developers, and major landowners (Weyerhaeuser, Open Ground Farms). MCAS Cherry Point and Marine Corps Installations East can provide examples of similar 'wind working groups' that have been convened to

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address wind energy/military mission compatibility on a regional scale, and recommend additional entities that can provide expertise.

*More Resources.* An additional resource is the 2008 North Carolina Wind Working Group's *Model Wind Ordinance for Wind Energy Facilities in North Carolina*. This document provides guidance to local governments on minimum setbacks, appropriate standards for noise and shadow flicker as well as decommissioning standards. The model ordinance, included in the Appendices, has been the foundation for many wind ordinances in the State and is a good place to start for communities interested in establishing or updating their ordinances.

The Texas A&M Institute of Renewable Natural Resources has conducted extensive research on wind energy and military airspace in the Lone Star State (refer to Exhibit 1.4-A in the Appendices). Kern County, CA, home of Edwards AFB, promotes growth in both the aerospace/defense and renewable energy sectors as part of their overall economic development strategy. As part of a statewide effort beginning in 2006, the County has developed a GIS-based Red-Yellow-Green mapping tool to protect mission-critical areas and provide a communication tool for developers and land use decision makers. A RYG (Red-Yellow-Green) Strategy Map is part of its zoning ordinance, reproduced as Figure 7.2.

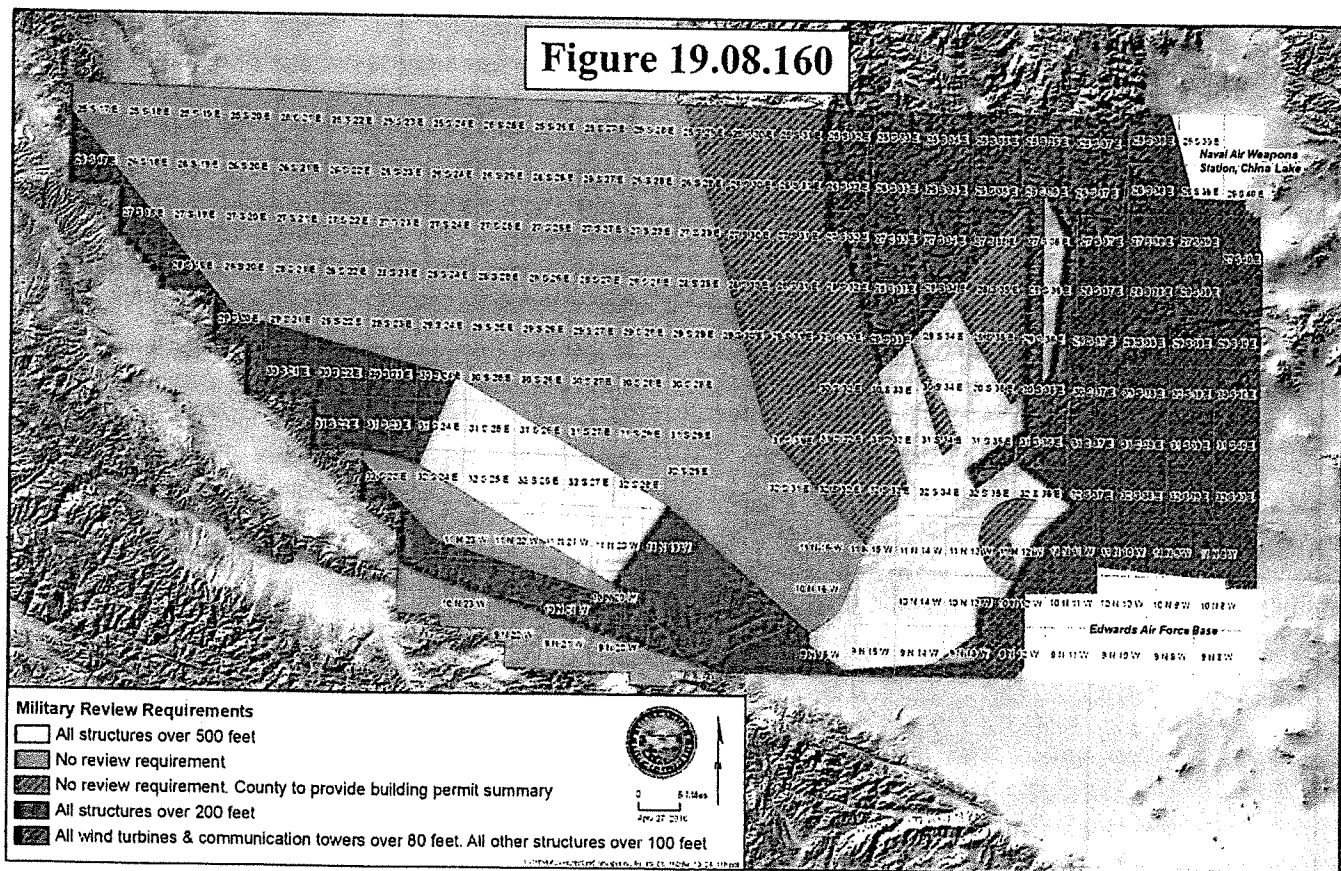


Figure 7.2. Strategy Map Kern County, CA

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## Dark Sky Initiatives

### **GOAL: Adopt 'Dark Sky' Ordinances to Help Prevent Ambient Light Encroachment.**

The military needs dark skies for effective nighttime operations and flight training. Night testing and training is an essential to the military missions of the MCOLF-Oak Grove. Pilots conduct realistic night flight scenarios including LHD landing practice, night precision runway approaches and landings, and low-visibility operational testing. Light sources from commercial, industrial, recreational, and residential uses at night can cause excessive glare and illumination, impacting the use of military night vision devices and air operations.

Protecting the night sky from ambient light pollution has been a priority encroachment concern for all North Carolina military installations, beginning with the 2008 JLUS Update for the Fort Bragg Region, which included a *Local Policy Study*. The North Carolina Sentinel Landscapes Partnership, a collaborative effort between the US Marine Corps and the NC Department of Agriculture, states its three tenets of compatibility as "keeping land in forestry and agriculture, limiting tall structures, and preventing upward shining lights." Presently, the Northeastern North Carolina Regional Joint Land Use Study will factor the protection of dark skies in its efforts to preserve key military flight paths from Seymour Johnson AFB to the Dare County Bombing Range, ranging over several counties.

Future growth and development along the major highways of the region could pose adverse impacts from light pollution from over-lighting and unshielded lighting. If continued without mitigation measures in place, this could curtail future night time training and readiness activities at these installations.

*Recommendation 4.1: Evaluate and compare existing outdoor lighting standards with dark sky lighting ordinances from other North Carolina municipalities. Determine if local measures meet International Dark Sky Association guidelines, and if so, consider as a jumping-off point for new standards.*

Regulations that minimize interference with nighttime training environments do not require the strict prohibition of exterior lighting or the complete replacement of existing lighting fixtures. Instead,

regulations focus on the installation of less intrusive lighting applications either for new development or as part of the routine maintenance and replacement of public utilities.

*Approach to Implementation:* The City of Havelock's Outdoor Lighting requirements can be a helpful starting point in developing consistent, region-wide standards. These standards should be compared to the IDSA Model Ordinance and User's Guide (refer to *Exhibit 4.1-B in the Appendices*) for Lighting Controls (p. 9), which requires outdoor lighting to have lighting controls that prohibit operation when sufficient daylight is available, and to include the capability, either through circuiting, dimming or alternating sources, to be able to reduce lighting without necessarily turning all lighting off.

*Recommendation 4.2: Adopt Dark Sky Lighting Ordinance that minimizes urban sky glow and potential for light trespass onto adjacent properties. Specific development standards should be incorporated into zoning ordinances and building codes of each jurisdiction including areas adjacent to installation boundaries. The ordinance should also include regulation of LED billboards in important flight paths and approach departure corridors.*

In addition to being a major encroachment issue that threatens the military's training capability, a growing body of evidence links light pollution directly to measurable negative impacts including increased consumption of energy, disruption of ecosystems and wildlife, harmful effects on human health, and questionable impacts on crime and safety. Outdoor lighting ordinances have been adopted by local governments throughout the country and are a proven tool for ensuring that communities implement safe and efficient outdoor lighting.

*Approach to Implementation:* A model lighting ordinance, based on a template provided by the International Dark Sky Association, has been developed. This model is a prescriptive-based code that regulates the installation of new lighting systems or the replacement of lighting fixtures for non-residential uses and common residential area. The model ordinance denotes four 'Lighting Zones' where different standards apply based on the development intensity of the area. Much of the Jones County area would fall under LZ-0 or

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LZ-1. Lighting Zones 2 and 3 would apply to suburban areas and nodes of higher-intensity commercial uses, respectively.

Lighting ordinances from City of Asheville (Exhibit 4.1-C) and the City of Raleigh (4.1-D) are also provided as exemplars of North Carolina ordinances that have been cited for their dark sky compatibility. The City of Raleigh's *Lighting Ordinance Guide* (Exhibit 4.1-E) is a user-friendly manual with explanations and illustrations related to their outdoor lighting requirements.

*Recommendation 4.3: Invite private sector participation in workshops and seminars for local contractors, developers, and local government building inspectors and planning officials to provide technical information on the installation, use, and maintenance of dark sky-approved lighting systems.*

Dark Sky-friendly outdoor lighting is widely available and economical. Most lighting contractors, installers, and retail outlets such as home improvement stores are familiar with dark sky requirements.

*Approach to Implementation.* The NC Military Business Center and trade organizations such as the Carolina's Associated General Contractors can provide information on firms experienced in outdoor lighting, particularly companies that have worked with the military. The N.C. League of Municipalities has relationships with consulting firms and endorsed vendors who can provide assistance to its members.

Military Influence Overlay Districts (MIODs)

**GOAL: Establish 'military influence planning districts' to coordinate communications with the military installation and to align noise/lighting/disclosure requirements with economic development goals.**

Local governments with the Cherry Point CPRJLUS-Jones County region should codify procedures for compliance with NCGS 153A-323b. These actions would: (1) ensure that the high level of communication and collaboration among the CPRJLUS-Jones County partners remains in perpetuity; and (2) ensure consistency of compliance

among all local governments of the region. The following recommendations can be formulated and implemented by local governments within the region in the short term.<sup>4</sup>

*Recommendation 3.1: All local governments with territorial authority within the area of a 5-mile radius of military installations should incorporate the notification requirement of NCGS 153A-323b into administrative procedures and permit application submittal requirements.*

The State of North Carolina has declared its support for military installations and the need to ensure compatibility with surrounding land uses through actions such as Governor McCrory's Executive Order #34, which mandates state agency coordination and notification of State activities affecting compatibility, and Session Law 2013-59 (NCGS 153A-323b), which requires local governments within a five-mile radius of military installations to notify those installations of land use changes (refer to Exhibit 3.1-A in the Appendices).

The local government staffs of the counties and municipalities participating in the MCAS Cherry Point Regional JLUS are fully aware of the notification requirements of NCGS 153A-323b. However, based on a survey of local planning directors, there appears to be a general lack of awareness among staff of other municipalities within the region. Several responders stated that the requirement was not applicable to their jurisdiction. None of the counties or municipalities in the CPRJLUS-Jones County area has existing written policies or procedures in place to ensure compliance with the statute.

*Approach to Implementation.* Suggested language for inclusion in municipal ordinances reads as follows:

*Notification of Military Installation Required.* "An application for any permit under the UDO requiring notification to a military installation in accordance with NCGS 153A-323b shall be forwarded to the District Planning Office, Marine Corps Air Station Cherry Point, in order to allow for review and comment to meeting any possible conflict with the operations and mission of Marine Corps Air

(2020) action requiring involvement and leadership from the State agencies (Commerce, Military & Veterans Affairs). Since it is not directly related to this Issue Priority it is not included in this *Practitioner's Guide*.

<sup>4</sup> Note: Recommendation 3.7 from the implementation table in Chapter 6 of the CPRJLUS report is to "Conduct comprehensive regional survey of public attitudes toward the military presence in North Carolina," and is a long-term

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*Station Cherry Point. No application submitted hereunder shall be deemed completed until such time as said review is completed and such approvals are received."*

*Recommendation 3.4: Municipalities in Jones County should ensure their land use ordinance provisions are consistent with their respective counties relative to Tall Structures and Airport Overlay Standards.*

The Town of Maysville has regulations in regards to towering structures in its Town limits. Current zoning regulations prevent an accessory to a structure to be less than 35 feet in height and towers to not exceed four feet about the roof line of the building. Pollocksville zoning regulations exclude height limitations on many towering structures.

*Approach to Implementation:* Local municipalities with zoning regulations in Jones County should consider amending structure height regulations to include height

restrictions regarding utility infrastructure towers and ornamental structures. Neighboring communities in Craven County have enforcement ordinances in place that can be reviewed and recommend appropriate requirements that support military operations.

*Recommendation 3.5: Amend County and Municipal Land Use Plans to create Military Influence Overlay Districts (MIOD). MIODs would consist of all areas within a 5-mile radius of a military installation, facility, or training site. MIODs could include the Port of Morehead City and regional airports. Primary compatibility factors for the MIODs should include communication and coordination regarding safety, noise, vertical obstructions, infrastructure extensions, residential density, lighting, and disclosure requirements.*

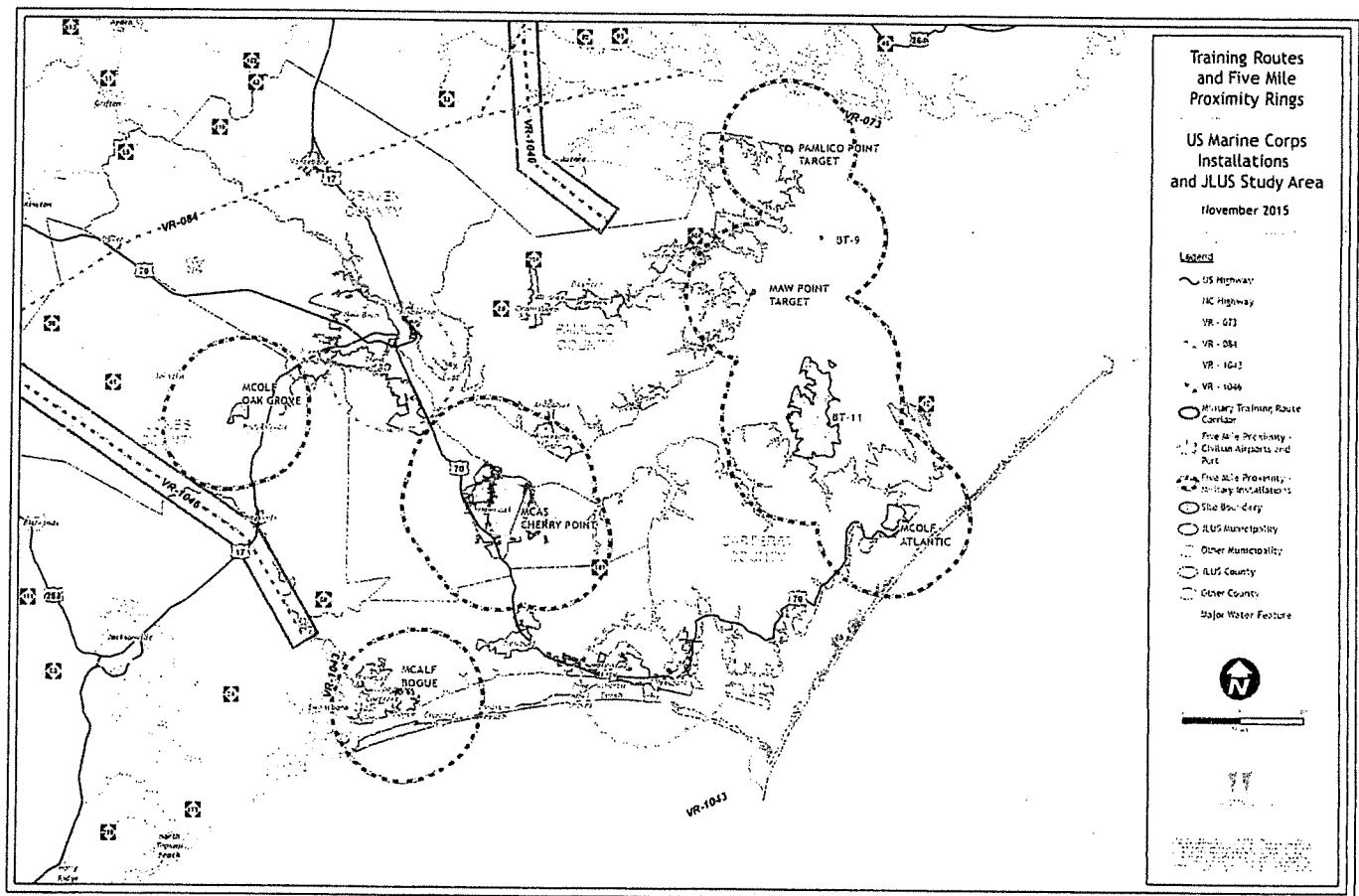


Figure 3-5. Station Cherry Point Area (continued)

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Military Influence Overlay Districts (MIOD) have been recommended by the Office of Economic Adjustment as an effective tool for addressing a variety of compatibility issues. For communities within the CPRJLUS-Jones County region, the MIOD could provide an organizational framework to ensure compliance with notification requirements. Furthermore, it could enhance coordination and communications with the installation and aid jurisdictions in aligning requirements for compatibility measures with economic development goals.

*Approach to Implementation.* Overlay Districts are a commonly-used tool of local governments to confer additional requirements or standards within a designated area. In North Carolina, Harnett County has adopted a Military Corridor Overlay District to ensure the compatibility between air and exercise operations associated with Fort Bragg and land uses on properties within five miles of its boundary. A draft template for the MIOD is provided in the Appendices.

*Recommendation 3.6: Adopt Memorandum of Agreement to establish a process to ensure timely and consistent notification and cooperation between the parties on projects, policies, and activities. Upon adoption by all parties, reconstitute the CPRJLUS-Jones County Leadership Committee into the Allies for Cherry Point's Tomorrow (ACT) Planning Committee.*

Another measure to ensure compliance with NCGS 153-323b and strengthen regional coordination would be for the MCAS and all jurisdictions within the respective five-mile notification areas to adopt a Memorandum of Agreement (MOA). A MOA or cooperative agreement is a document written between parties to cooperatively work together on an agreed upon project or meet an agreed upon objective. The purpose of an MOA is to have a written understanding of the agreement between parties. The MOA can also be a legal document that is binding and hold the parties responsible to their commitment or just a partnership agreement. The MCAS Cherry Point Regional JLUS MOA would describe the specific responsibilities of the jurisdictions and provide a framework for ongoing collaboration on regional issues affecting compatible land uses. Exhibit 3.6-A provides a template for a regional MOA.

*Approach to Implementation.* The MCAS and all jurisdictions within the five-mile notification area would review and adopt the MOA.

*More Resources.* For an in-depth analysis of Military Influence Overlay Districts and other land use management techniques, including case studies from other military installations, refer to the Appendices, Exhibit 7-3 for an excerpt from *The Toolkit: Section C - Compatible Land Use Planning*. Adapted from the Office of Economic Adjustment's *Practical Guide to Compatible Civilian Development Near Military Installations*.

The Scott Air Force Base/Mid-America St. Louis Airport Joint Land Use Study contains a template for a Memorandum of Understanding (see Appendices, Exhibit 7-4). The US Army Corps of Engineers' Natural Resources Management Gateway site provides an extensive list of MOAs/MOUs and a variety of templates. The Appendices also include a Memorandum of Understanding from the Capital Area MPO (CAMPO) for the multi-jurisdictional agreement to review land use proposals along the US Highway 1 corridor.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## Appendices

### A. Glossary of Acronyms (see: #3, 2007, 2008, 2009, 2010, 2011, 2012)

<b>ACT</b>	Allies for Cherry Point's Tomorrow	<b>FAA</b>	Federal Aviation Administration
<b>AFB</b>	Air Force Base	<b>FRC</b>	Fleet Readiness Center
<b>AFR</b>	Air Force Regulation	<b>FY</b>	Fiscal Year
<b>AGL</b>	Above Ground Level	<b>GIS</b>	Geographic Information System
<b>AHAS</b>	Avian Hazard Advisory System	<b>GPS</b>	Global Positioning System
<b>AICUZ</b>	Air Installation Compatible Use Zone	<b>JLUS</b>	Joint Land Use Study
<b>ALF</b>	Auxiliary Landing Field	<b>kWh</b>	Kilowatt Hours
<b>AO</b>	Area of Operations	<b>Ldn</b>	Day-Night Equivalent Sound Level
<b>APZ</b>	Accident Potential Zone	<b>LED</b>	Light-Emitting Diode
<b>BAM</b>	Bird Avoidance Model	<b>LZ</b>	Lighting Zone
<b>BASH</b>	Bird/Wildlife Aircraft Strike Hazard	<b>MCAS</b>	Marine Corps Air Station
<b>BCE</b>	Base Civil Engineer	<b>MIOD</b>	Military Influence Overlay District
<b>BRAC</b>	Base Realignment and Closure	<b>MOA</b>	Military Operations Area
<b>BT</b>	Bombing Target	<b>MOU</b>	Memorandum of Understanding
<b>CPRJLUS</b>	Cherry Point Regional Joint Land Use Study	<b>NC</b>	North Carolina
<b>CSAF</b>	Chief of Staff of the USAF	<b>NEPA</b>	National Environment Policy Act
<b>CZ</b>	Clear Zone	<b>NLR</b>	Noise Level Reduction
<b>dB</b>	Decibel	<b>NZ</b>	Noise Zone
<b>dba</b>	A-Weighted Decibels	<b>OLF</b>	Outlying Landing Field
<b>DHS</b>	Department of Homeland Security	<b>OSD</b>	Office of the Secretary of Defense
<b>DNL</b>	Day-Night Average Sound Level	<b>PDR</b>	Purchase of Development Rights
<b>DoD</b>	Department of Defense	<b>PUD</b>	Planned Unit Development
<b>DOT</b>	Department of Transportation	<b>RA</b>	Restricted Area
<b>EIS</b>	Environmental Impact Statement	<b>RAICUZ</b>	Range Air Installations Compatible Use Zones
<b>EO</b>	Executive Order	<b>VTOL</b>	Vertical Takeoff and Landing

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

## B. Military Influence Overlay District (MIOD) (sample language)

A *Military Influence Overlay District* (MIOD), like any overlay district, is used to establish a set of alternative or supplementary land development requirements within a specific area of the community that requires special attention, such as a natural resource like floodplain or water supply watershed being threatened by encroaching development; a corridor that needs to preserve mobility or increase economic competitiveness; or protect a historically site or resource. Overlay districts are legally included in the definition of zoning districts in North Carolina General Statutes for cities (§160A-382) and counties (§153A-342). A 2007 report published by the UNC School of Government stated that 79% of surveyed counties between 1,000 and 25,000 population in North Carolina employed an overlay district.<sup>5</sup>

### Development Process for MIOD

The following process is suggested for developing a MIOD for the Jones County area to ensure the viability of the Oak Grove Outlying Landing Field (OG-OLF).

1. Conduct Stakeholder Meeting. Gathering input from affected parties can help present issues that the MIOD is supposed to address, why it's important to enact a MIOD, and allay concerns about the process and property restricts a MIOD presents. The meeting summary should be clearly presented and referenced in future efforts. People to involve the overview meeting may include residents, representatives from Base, business owners, government departments, state department of commerce, and private developers.
2. Geographic Extent of MIOD. Staff should create a map of the MIOD area or areas, utilizing information from the Base representatives and stakeholder input. Areas that are already conserved through ownership or management by state and federal entities such as the Croatan National Forest may be excluded from all or some of the requirements of the MIOD and help to define its boundaries. Natural barriers, operational characteristics of the OG-OLF, and other objective factors should be documented as these boundaries are created.
3. Development of the MIOD Elements. The draft ordinance should contain all of the following components:<sup>6</sup>
  - a. Purpose Statement, tying established planning goals and objectives adopted in the JLUS and local plans to the intent of the MIOD that protects public health, welfare, safety, and aesthetics.
  - b. The Spatial Definition of the MIOD boundary should be shown in a clear map and described succinctly in text, noting natural and jurisdictional boundaries and rationales for the boundary location and excluded or included areas.
  - c. Definitions will be included that describe terms and acronyms throughout the MIOD, especially for terminology not used in underlying zoning language.
  - d. A review by the Planning Board and board of elected officials prior to adoption will increase the legitimacy of the MIOD as well as afford another opportunity for public input.
  - e. If appeals and hardship cases are to be allowed, then the terms need to be carefully defined, along with an appeals process.
  - f. Similarly, ensure that open meeting requirements, acknowledgement in updated land use/comprehensive plans, and other legal and procedural requirements respect the MIOD upon

<sup>5</sup> Owens, David W. and Stevenson, Andrew, "An Overview of Zoning Districts, Design Standards, and Traditional Neighborhood Design in North Carolina Zoning Ordinances," UNC School of Government, October 2007. Page 3.

<sup>6</sup> Adapted from Georgia Department of Community Affairs, "Overlay District," website accessed 9.28.2017:

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

adoption. The Jones County Land Use Plan (July, 2013) is an ideal place to acknowledge the presence, purpose, and goals/objectives of the MIOD.

## Proposed Content of the Jones County – Oak Grove OLF MIOD

Based upon the comments from stakeholders, the MIOD should be fairly restrained in its extent. Initially, the MIOD should address (1) solar farms, (2) wind farms, and (3) additional review requirements for incoming proposed development actions that increase the intensity or use of current lands within the MIOD boundary. The following language should be considered preliminary, and subject to refinements in accordance with local practices and the preceding section of this report describing the MIOD Development Process.

### TITLE

This ordinance may be known and may be cited as "Ordinance Regulating the Use of Lands Surrounding the Oak Grove – Outlying Landing Field (OG-OLF) in Jones County, N.C."

## ARTICLE 1 – JURISDICTION

The regulations contained herein, as provided in the N.C.G.S. §153A-320/342, shall govern land within Jones County except those lands lying within the jurisdiction of any municipality, unless such municipality formally requests the county to enforce these regulations within the municipality's area of jurisdiction.

## ARTICLE 2 - PURPOSES AND OBJECTIVES

The purposes and objectives for which this Military Influence Overlay District (MIOD) is passed are as follows:

- 2.1. Ensure safety to people and property within the MIOD;
- 2.2. Prohibit incompatible uses and structures within the designated Military Areas of Influence;
- 2.3. Protect the airspace, approach zones, and airfield imaginary surfaces from structures or placement of objects that interfere with the safe operation of aircraft;
- 2.4. Limit land uses within the MIOD to those uses that are compatible with military operations; and
- 2.5. Protect people and property from the potential adverse effects of aircraft and range noise and operations
- 2.6. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

## ARTICLE 3 - DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined; words used in the present tense shall include the future: words used in the singular number shall include the plural number; and the plural and the singular; and the word "shall" is mandatory and not discretionary.

- 3.1. Abandonment: to give up, discontinue, withdraw from. Any solar energy facility that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.
- 3.2. Building: Any structure having a roof supported by columns or walls, and designated or intended for the shelter, support, enclosure or protection of persons, animals or chattels
- 3.3. Decommissioning Plan: A document that details the planned shut down or removal of a solar energy facility from operation or usage.

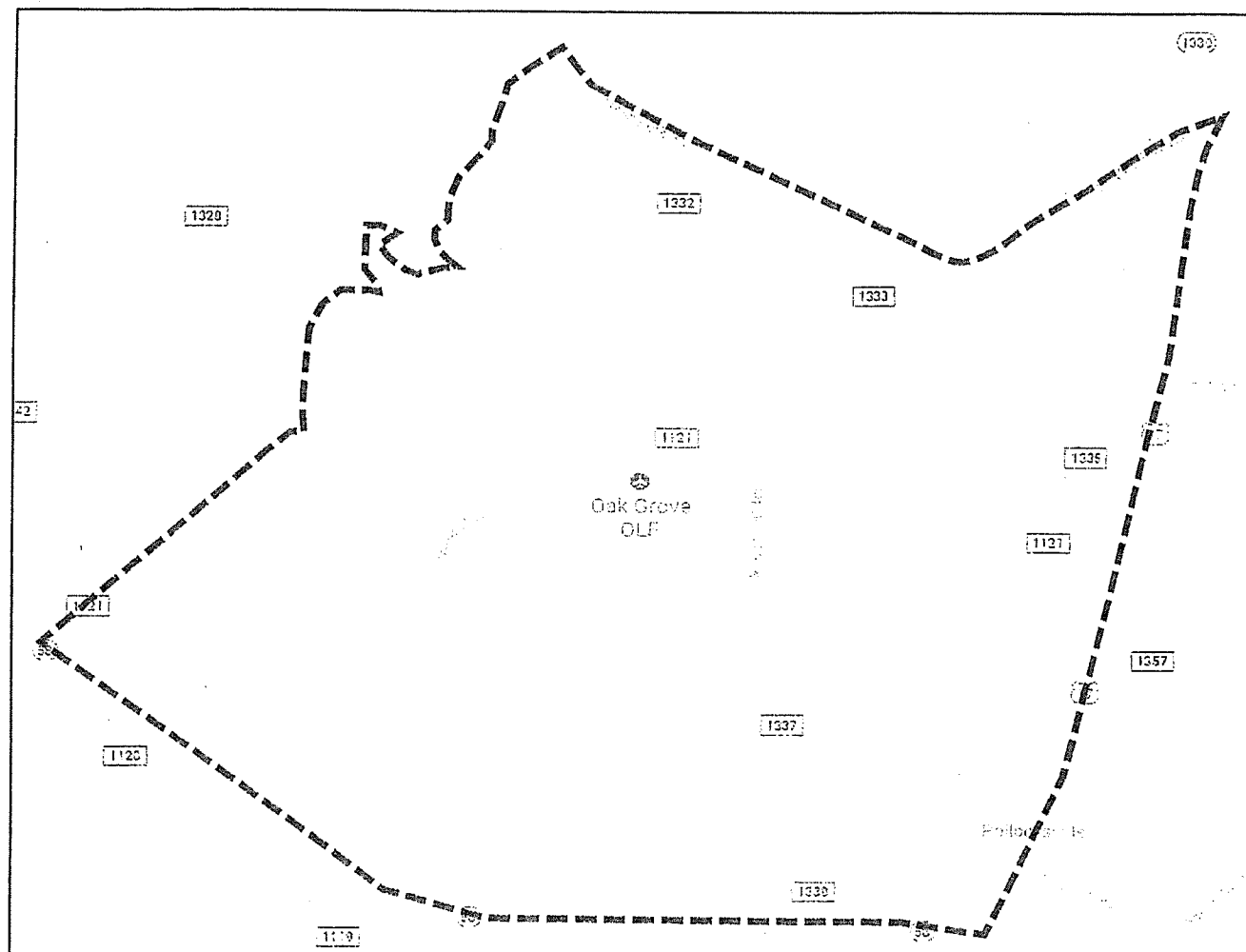
# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

- 3.4. Fence/Barrier: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of soil, wood, stone, steel, or other metal, or any substance of a similar nature and strength.
- 3.5. Gate: A door or other device attached to a fence which, when opened, provides a means of ingress or egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
- 3.6. Improved Area: Area containing perimeter fencing, solar panels, electrical inverters, storage buildings and access roads.
- 3.7. Opaque Fence: A continuous opaque, unperforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of soil, wood, stone, steel, or other metal, or any substance of a similar nature and strength which will conceal the solar energy facility from view.
- 3.8. Operator: The person(s), entity, or company that engages in or runs a solar energy facility.
- 3.9. Owner: The person(s), entity, or company having legal title to the subject property wherein the solar energy facility is located.
- 3.10. Public Road: Any road or highway which is now or hereafter maintained by the North Carolina Department of Transportation as part of the State Highway System. Setbacks for improved areas shall be measured from the road right of way.
- 3.11. Residence: A building used as a dwelling for one or more families or persons.
- 3.12. Residential Area: Any area within one quarter mile of a solar energy facility having twenty-five or more dwellings.
- 3.13. Solar Energy Facility: An energy generating facility or area principally used to solar energy to electricity, which includes, but is not limited to, the use of one or more solar energy systems. This definition shall only include those facilities whose primary purpose is to sell electricity to be used off site.

## ARTICLE 4 – LOCATION AND EXTENT OF MIOD

The roads of Oak Grove Road (NC 11 to Country Club Road); Country Club Road (Oak Grove Road to Trent River); Trent River; Long Branch Creek; 10 Mile Fork Road (Long Branch Creek to US 17); US 17 (10 Mile Fork Road to NC 58); and NC 58 (US 17 to Oak Grove Road) form the limits of the MIOD (refer to map figure). Any additional areas that extend beyond this boundary as defined by the Imaginary Surfaces from the 2011 Air Installations Compatible Use Zones Study for Marine Corps Outlying Landing Field Oak Grove, North Carolina or subsequent AICUZ reports shall be included as part of the extent of this MIOD and be subject to all the requirements contained herein.

## Marine Corps Air Station Cherry Point



**Map Figure: MIOD Extent.**

## ARTICLE 5 – SITING OF SOLAR POWER FACILITIES

- 5.1. All solar energy facilities must comply with the requirements established in applicable local zoning ordinances and land use plans.
- 5.2. Improved areas shall not be located in any Special Flood Hazard Area as shown on the effective flood insurance rate map.
- 5.3. The maximum height of improved areas shall not exceed fifty (50) feet with the following requirement:
  - 5.3.1. Notification should be made to the Jones County Planning Director if proposing to exceed height limitations.
- 5.4. Improved areas must be set back a minimum of fifty (50) feet from all property lines.
- 5.5. Improved areas shall be a minimum of seven hundred fifty (750) feet from any residential property or any property that contains a residence.
- 5.6. All access roads and storage areas shall be established on a minimum fifty (50) foot-wide easement to a public right-of-way.

## Regional Joint Land Use Study Marine Corps Air Station Cherry Point

- 5.7. All solar energy facilities shall have a minimum twenty-five (25) foot-wide six (6) foot-high vegetative buffer and/or opaque screening fence or wall with the following requirements:
  - 5.7.1. A row of evergreens which are a minimum of six (6) feet in height at the time of planting and are spaced not more than eight (8) feet apart which at maturity will form an intermittent visual barrier to a height of fifteen (15) feet. Evergreens shall reach maturity within five (5) years from planting; and
  - 5.7.2. A separate row of shrubs that are dense, low-lying, continuous, and planted to visually fill-in the low-lying gaps between the trunks of the evergreens; and
  - 5.7.3. A minimum six (6) foot-tall fence or wall that is constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks or any combination of the previously mentioned materials. The fence or wall shall have a completely opaque surface. The finished side of the fence shall face the abutting property(-ies), and completely surround the solar facility to effectively restrict unauthorized access.
- 5.8. Solar Energy Facilities shall not be located within 1,500 feet of Oak Grove-Outlying Landing Field.

### ARTICLE 6 - SUPPLEMENTAL REGULATIONS

- 6.1 The manufacturer's or installer's identification and appropriate warning sign shall be posted on near the panels in a clearly visible manner.
- 6.2 On-site power lines between solar panels and inverters shall be placed underground.
- 6.3 The design of the solar energy facilities buffer shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
- 6.4 The applicant must obtain a driveway permit from the North Carolina Department of Transportation.
- 6.5 The design and construction of solar energy facilities shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/or traffic control operations as stated within any Military Mission Footprint (MMF).
- 6.6 The design and construction of solar energy facilities shall not produce electric emissions that would interfere with aircraft communications systems or navigation as stated within any MMF.
- 6.7 A copy of the application to the utility company that will be purchasing energy from proposed site shall be provided to the County.
- 6.8 A fully executed copy of an agreement between the property owner and the facility's owner or operator confirming that the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the SEF.
- 6.9 Any other relevant studies, reports, certificates and approval as may be reasonably required by Jones County or municipalities in or partially within Jones County.
- 6.10 A description of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number of panels, and angles of orientation.
- 6.11 An information sign shall be posted and maintained at the entrance(s), which lists the name and phone number of the operator.
- 6.12 Each owner, operator or maintainer of a SEF to which this ordinance applies shall utilize good husbandry techniques with respect to landscaping referenced in Article 5.7, including but not limited to, proper pruning, proper mowing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and replanted immediately. Plants or grasses on the site that are not included as a part of the landscaping buffer shall be maintained by the facility operator as to not constitute a nuisance.

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## ARTICLE 7 - SITE PLAN REQUIRED

- 7.1 Owners or operators of solar energy facilities established after the effective date of this ordinance shall submit fifteen copies of a site plan, which conform to the standards of this Ordinance to the Jones County Planning Board. The site plan shall include the following:
- Property lines of the proposed solar energy facility site.
  - All property lines within quarter mile of the property lines of the proposed site.
  - Location of any improved areas and exact distances to property lines and surrounding residential areas.
  - A landscaping plan that shows the size and location of proposed screening buffers, size of trees and shrubs, types of trees and shrubs, and location of fencing.
  - Location of any underground power lines on the site.
  - Access road and turnout locations.
  - Electrical cabling from the Solar Energy Facility to the substation(s) and from the substation(s) to where the electricity will leave the site.
  - Associated transmission lines.
  - Location of wetlands and special flood hazard areas.
- 7.2 Prior to final inspection, proof that a permit issued by the State in accordance with applicable provisions of the N.C. General Statutes has been issued.
- 7.3 Appeals of a Planning Commission decision shall be to the Jones County Planning Board.
- 7.4 After initial departmental review, fifteen copies of the site plan in 24" x 36" format must be provided for the Planning Board meeting.

## ARTICLE 8 - ABANDONMENT AND DECOMMISSIONING PLAN

- 8.1 ABANDONMENT. A SEF that ceases to produce energy on a continuous basis for twelve months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SEF provides substantial evidence (updated every six months after twelve months of no energy production) to the Planning Director or his/her designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to the development of the SEF.
- 8.1.1 Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible that they must remove the SEF and restore the site to its condition prior to the development of the SEF within three hundred and sixty-five (365) days of notice by the Planning Director or his/her designee.
- 8.1.2 If the responsible party (or parties) fails to comply, the Planning Director or his/her designee may remove the SEF, sell any removed materials, and initiate judicial proceeding or take any other steps legally authorized against the responsible party (or parties) to recover the costs required to remove the SEF and restore the site to a non-hazardous pre-development condition.
- 8.2 DECOMMISSIONING. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit.
- 8.2.1 Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for twelve months, abandonment, etc.)
- 8.2.2 Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
- 8.2.3 Restoration plan for property to condition prior to development of the SEF.
- 8.2.4 The timeframe for completion of decommissioning activities.

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

- 8.2.5 Description of any agreement (e.g. lease) with landowner regarding decommissioning.
- 8.2.6 The party currently responsible for decommissioning.
- 8.2.7 Plans for updating this decommissioning plan.
- 8.3 PERFORMANCE GUARANTEE. Prior to the issuance of a development permit, the applicant must provide the County with a performance guarantee as provided in Subsection 10.1 below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer. It is the responsibility of the applicant to provide Jones County with the certified cost estimate. Certified cost estimates must be renewed every five (5) years and submitted to the Jones County Planning Board for approval.
  - 8.3.1 A surety or performance bond that renews automatically, includes a minimum 90-day notice to Jones County prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Planning Department each year verifying the bond has been properly renewed. In place of a performance bond, applicants may provide an irrevocable letter of credit.

## ARTICLE 9 - AVIATION NOTIFICATION FROM PRIVATE DEVELOPER

- 9.1 For consideration of potential impacts to Oak Grove-Outlying Landing Field flying operations, notification of intent to construct a SEF shall be sent to the MCAS Cherry Point Base Commander or designated official sixty (60) days before the regularly scheduled Planning Commission meeting. Notification shall include location of SEF (i.e. map, latitude and longitude coordinates, address or parcel ID), technology (i.e. roof-mounted solar photovoltaic, ground-mounted fixed PV, tracked PV, solar thermal etc.) and the area of system (e.g. 10 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application.
- 9.2 For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport listed in the National Plan of Integrated Airport Systems, notification of intent to construct a SEF shall be sent to the airport manager or designated official and the Federal Aviation Administration's (FAA) Airport District office (ADO) with oversight of North Carolina. Notification shall include location of SEF (i.e. map, latitude and longitude coordinates, address or parcel ID), technology (i.e. roof-mounted solar photovoltaic, ground-mounted fixed PV, tracked PV, solar thermal etc.) and the area of system (e.g. 10 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given thirty (30) days for review.
- 9.3 For consideration of potential impacts to civilian flight paths for airport operations located within five (5) nautical miles from an airport not listed in the National Plan of Integrated Airport Systems, except military airports, notification of intent to construct a SEF shall be sent to the airport manager or designated official. Notification shall include location of SEF (i.e. map, latitude and longitude coordinates, address or parcel ID), technology (i.e. roof-mounted solar photovoltaic, ground-mounted fixed PV, tracked PV, solar thermal etc.) and the area of system (e.g. 10 acres). Proof of delivery of notification and date of delivery shall be submitted with permit application. The airport must be given thirty days for review.
- 9.4 In addition to providing notification of intent to construct a SEF as described in Article 9.2 and 9.3, the proponent of the SEF shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard, as indicated in Article 9.4.1 and 9.4.2. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days prior to site plan approval. Proof of delivery of notification and date of delivery shall be submitted with permit application.
  - 9.4.1 Airport operations at an airport in the National Plan of Integrated Airport Systems (NPIAS) within five (5) nautical miles of the center of a proposed SEF: provide required SGHAT analysis information to the

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

- airport manager or designated official and the Federal Aviation Administration (FAA) Airport District Office (ADO) with oversight over North Carolina.
- 9.4.2 Airport operations at an airport not in the NPIAS, except military airports, as defined in Article 9.3 within five (5) nautical miles of the center of a proposed SEF: provide required SGHAT analysis information to the management of the airport for non-military airports.
- 9.5 Proposed SEFs within the Oak Grove-Outlying Landing Field Airspace Control Surface Area as defined in the 2011 Air Installations Compatible Use Zones Study for Marine Corps Outlying Landing Field Oak Grove, North Carolina or subsequent AICUZ reports will be evaluated for potential impacts to MCAS Cherry Point flying operations as described below.
- 9.5.1 In addition to providing notification of intent to construct a SEF as described in Article 9.2 and 9.3, the proponent of the SEF shall use the latest version of the Solar Glare Hazard Analysis Tool (SGHAT), per its user's manual to evaluate the solar glare aviation hazard.
- 9.5.2 Prior to starting the SGHAT, the SEF proponent shall contact the MCAS Cherry Point Base Commander or designated official to receive the military data needed for the SGHAT (e.g. locations, increments, and elevations of observation points, as well as air traffic control tower information). The SGHAT shall be used per its user manual and reports must be run over the entire calendar year (each time zone). Upon receiving the SGHAT reports, the MCAS Cherry Point base commander or designated official will respond to the designated Jones County official.
- 9.6 Any applicable SEF design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in sections 9.4 and 9.5 above for accurate records of the as-built system.

## ARTICLE 10 – ADDITIONAL USE REQUIREMENTS

- 10.1 Compatible Uses. In addition to the preceding Articles pertaining to solar farms, the following additional uses shall be subject to the provisions of this and subsequent Articles during any subdivision, construction permit, or additions to structures occur within the MIOD boundary as defined in Article 4:
- Proposed Uses that may attract birds, which present the threat of bird strikes and a danger to aircraft and personnel, including, but not limited to:
    - Waste disposal operations;
    - Wastewater treatment facilities;
    - Landfills;
    - Golf courses;
    - Wetlands;
    - Dredge disposal sites; and
    - Stormwater ponds.
  - Uses that include upward-directed or uncontrolled outdoor lighting that can temporarily distract or disable pilots.
  - Uses that emit smoke or dust into the air that may obscure vision or disrupt operations.

Notification of intent of uses that are deemed incompatible shall follow the notification procedures and process outlined in Article 9.

- 10.2 Structure Height Limit. The structure height limit of the underlying zoning district shall apply to all buildings and other structures within the MIOD, provided that no structure shall exceed the maximum height created

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

by the airport imaginary surfaces map for flight operations established in 2011 Air Installations Compatible Use Zones Study for Marine Corps Outlying Landing Field Oak Grove, North Carolina [refer to Table 5-1 Imaginary Surfaces – Tilt Rotor Aircraft (MV-22) at OLFs] or subsequent AICUZ reports.

- 10.3 Interference of Electronic Communications Signals. The County shall notify the Community Planning Liaison at MCAS Cherry Point of any pending permits which intend to construct, modify, or expand any telecommunication transmission facility or any facility or structure that will emit smoke or steam. Further, construction of industrial wind power turbines intended for commercial use shall be prohibited within the MIOD.
- 10.4 Lighting and Glare. Lighting, including internally illuminated signs within the MIOD shall be screened or use cut-offs so that light sources greater than 2,000 lumens shall not be visible from a height of greater than thirty (30) feet above grade. All external lighting of buildings or signs shall be projected at a downward angle of no less than ten (10) degrees below horizontal. Buildings within the MIOD shall not use glass or other highly reflective materials on any surface that is angled above horizontal. Structures shall use non-reflective wall surfaces and windows.
- 10.5 Mitigation. Structures and uses meeting the descriptions in this Article located no less than 1,500' from the landing field may be considered for mitigation strategies implemented at the time of construction. Proposed mitigation strategies are subject to the review of Jones County staff and MCAS Cherry Point Base Commander (or designated official).

## ARTICLE 11 - VIOLATION SHALL BE A MISDEMEANOR

Any person, firm, corporation, or other entity who maintains or operates or who controls the maintenance of a solar energy facility in violation of this ordinance shall be guilty of a misdemeanor and subject to prosecution, and if convicted, shall be punished by a fine not to exceed \$50.00 or by imprisonment not to exceed thirty (30) days, or both, in the discretion of the Court. Each day that said solar energy facility shall be maintained or operated in violation of this ordinance shall constitute a separate and distinct offense.

## ARTICLE 12 - ENFORCEMENT

- 12.1 The enforcement officer shall be the Jones County Planning Director or designee. The enforcement officer shall review site plans submitted under Article 7 and make appropriate recommendations to the Jones County Planning Board. The enforcement officer shall also visit the facilities by this ordinance at least once per year and if the facility does not conform to said ordinance shall discuss with the owner and/or operator the steps needed bring the facility into compliance. If the owner or operator still fails to bring the facility into compliance with this ordinance, the enforcement officer, after consultation with the Jones County Manager, shall institute the necessary steps to enforce this ordinance in accordance with the provisions of article 10. The enforcement officer shall also assist owners or operator of any solar energy facility in making plans to comply with this ordinance.
- 12.2 This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. It may be enforced by injunction and order of abatement commanding the violator to correct any unlawful condition upon or cease the unlawful use of property. The County may request an order of abatement as part of a judgement in the cause any may request the court to close, demolish or remove buildings or other structures or take any other action that is necessary to bring the solar energy facility into compliance with this ordinance. This ordinance may be enforced by any one or more of the remedies authorized herein.

## ARTICLE 13 - SEVERABILITY

# Regional Joint Land Use Study Marine Corps Air Station Cherry Point

If any section or part of this Ordinance should be held invalid for any reason, such determination shall not affect the remaining sections or parts, and to that end the provisions of this ordinance are severable.

## EFFECTIVE DATE

This ordinance shall become effective upon its adoption.

Adopted \_\_\_\_\_

## EXHIBIT B

## Budget Amendment

Date: 9/4/2018

Fund: Water Construction

Fiscal Year: 2018-2019 Amendment #2

**Increase Revenue**

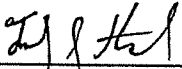
Water Project	Pole Pocasin/DOT	60-0213-4904-08	56,274.04
Water Project	White Oak/DOT	60-0213-4904-09	47,174.04
<b>Total Increase</b>			<b>103,448.08</b>

**Increase Expenditures**

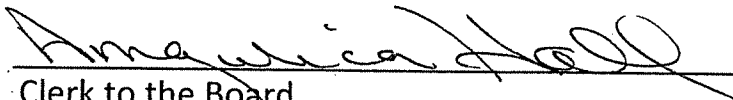
Pole Pocasin/DOT	Engineering	66-8168-5199-09	5,954.04
Pole Pocasin/DOT	Construction	66-8168-5912-18	50,320.00
White Oak/DOT	Engineering	66-8168-5199-09	5,954.04
White Oak/DOT	Construction	66-8168-5912-18	41,220.00
<b>Total Increase in Expenditures</b>			<b>103,448.08</b>



Chairman



County Manager



Clerk to the Board



Finance Officer

Budget Amendment

Date: 9/4/2018

Fund: General

Fiscal Year: 2018-2019 Amendment #3

**Increase Revenues**

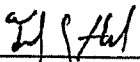
Restricted DSS	Congregate Nutrition	11-0212-4586-03	5,895.00
Restricted DSS	Home Delivered Meals	11-0212-4586-04	3,275.00
Restricted DSS	HCCBG Transportation	11-0212-4586-19	900.00
<b>Total Increase</b>			<b>10,070.00</b>

**Increase Expenditures**

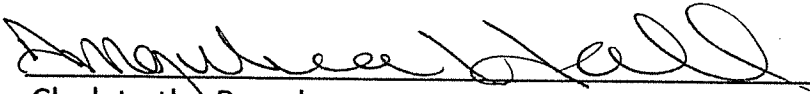
HCCBG	Congregate Nutrition	11-5551-5315-00	3,614.00
HCCBG	Home Delivered Meals	11-5551-5313-01	3,639.00
HCCBG	Transportation	11-5551-5313-00	2,222.00
HCCBG	In Home Aide III	11-5551-5298-17	595.00
<b>Total Increase in Expenditures</b>			<b>10,070.00</b>



Chairman



County Manager



Clerk to the Board



Finance Officer

Budget Amendment

Date: 9/4/2018

Fund: General Fund


Fiscal Year: 2018-2019 Amendment #4

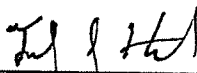
Decrease Revenue

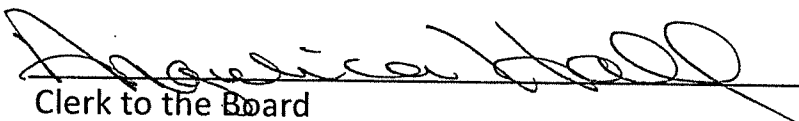
Restricted DSS	In Home Aide II	11-0212-4586-23	7,556.00
<b>Total Increase</b>			<b>7,556.00</b>


Increase Expenditures

HCCBG	In Home Aide II	11-5551-5298-14	7,556.00
<b>Total Increase in Expenditures</b>			<b>7,556.00</b>

  
Chairman

  
County Manager

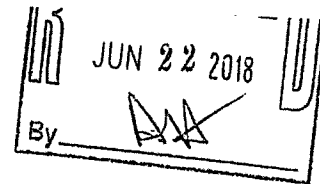
  
Clerk to the Board

  
Finance Officer

United States Court of Federal Claims  
Washington, D.C.

OFFICIAL NOTICE

EXHIBIT C



The United States Court of Federal Claims has certified a **CLASS ACTION** lawsuit regarding your right to recover additional sums under the **PAYMENTS IN LIEU OF TAXES ACT [PILT Act]** for fiscal years 2015, 2016, and 2017.

*This is not a solicitation from a lawyer.*

The Court of Federal Claims, in the case of *Kane County, Utah v. United States*, Case Nos. 17-739C and 17-1991C (Consolidated) [the Lawsuit], has directed sending this notice to a Class made up of: “All ‘unit[s] of general local government,’ as defined in 31 U.S.C. § 6901(2), that received payment under 31 U.S.C. § 6902(a) of the Payment in Lieu of Taxes Act [PILT Act] in fiscal years 2015, 2016 and/or 2017.”

You are receiving this notice because you are a unit of local government believed (1) to be a member of that Class, and (2) to have been underpaid in those years.

The Lawsuit seeks to recover monies that the Court has determined that the federal government owes each Class Member for the underpayment of its respective PILT Act entitlement in fiscal years 2015, 2016, and/or 2017.

To obtain the money that the federal government owes you, *without having to file your own lawsuit*, you must submit a Class Action Opt-In Notice Form which can be done quickly and securely online at [www.PILTPayments.com](http://www.PILTPayments.com). You may also complete and return the enclosed copy of the Class Action Opt-In Notice Form by first class mail or pre-paid delivery service.

**To participate in the Lawsuit, you must submit your completed Class Action Opt-In Notice no later than September 14, 2018.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT**

- This Notice has been sent to you by order of a federal court. **Please read this Notice carefully and fully.** It explains the opportunity you now have to join a Class Action Lawsuit currently pending before the Court.
- The Court is neither encouraging nor discouraging you to join the Lawsuit. You have the right to participate in the Lawsuit as a Class Member, or to do nothing and be excluded from the Lawsuit.

- **Please Note:** This particular Class Action differs from many other class actions in the United States because,

- if you do nothing, you will not be able to participate in the Lawsuit, and
- the Court has already ruled that the federal government owes each Class Member for underpayments in fiscal years 2015, 2016, and/or 2017.

SUMMARY OF YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT	
ASK TO BE INCLUDED (OPT INTO THE CLASS ACTION LAWSUIT)	<p>By submitting a Class Action Opt-In Notice Form you are asking to be included in the Lawsuit, receive any PILT Act underpayments recovered in the Lawsuit, and be bound by its results.</p> <ul style="list-style-type: none"> <li>• You acquire rights to any money that the Court determines that you are due as a result of underpayment, in fiscal years 2015 through 2017, of your entitlement under Section 6902 of the PILT Act.</li> <li>• You will be bound by the outcome of the case, whether favorable or unfavorable to you.</li> </ul> <p>You will also give up the right to sue the federal government on your own, and at your own expense, for the same legal claims made in the lawsuit.</p> <p>In order to join the Lawsuit, you must submit a completed Class Action Opt-In Notice Form online, by first class mail, or by pre-paid delivery service. The Class Action Opt-In Notice Form <b>must be submitted, postmarked, or delivered no later than September 14, 2018.</b></p>
DO NOTHING	<p>If you do nothing, you will not be included in the Lawsuit, and you will have no right to any money recovered in the Lawsuit. But you will keep the right to sue the federal government for any alleged PILT Act underpayments in fiscal years 2015 through 2017, on your own and at your own expense.</p>

- Your rights and options, and the deadline to exercise them, are further explained below.
- This Notice may affect your legal rights. Read it carefully.

## BASIC INFORMATION

### 1. Why did I get this Notice?

The federal government's records show that you are a unit of local government that received a payment pursuant to Section 6902 of the PILT Act in fiscal years 2015, 2016, and/or 2017. This Notice advises you that:

- a. The Court has allowed, or "certified," a Class Action Lawsuit against the United States to recover amounts which the Court has determined that the government was required to pay units of local government under 31 U.S.C. § 6902, but did not pay in full in fiscal years 2015, 2016 and 2017.
- b. You are eligible to participate in the Lawsuit by completing and timely submitting a Class Action Opt-In Notice Form. The Form may be completed and submitted online at [www.PILTPayments.com](http://www.PILTPayments.com). Alternatively, you may complete the enclosed copy of that Class Action Opt-In Notice Form and submit it by first class mail or by pre-paid delivery service.

### 2. What is this Lawsuit about?

This Lawsuit is about whether the federal government was required to pay in full the amounts due to units of local government under Section 6902 of the PILT Act in fiscal years 2015, 2016, and 2017. The Class Representative (Kane County, Utah) contended that the federal government underpaid units of local government in those years, and that all Class Members are entitled to recover the underpayment amounts. The government denied that any units of local government were entitled to any additional PILT payments beyond the amounts already paid for those years.

### 3. What has the Court decided?

The Court has ruled that provisions of Section 6902 of the PILT Act obligated the federal government to pay eligible units of local government the full amounts calculated by a formula set forth in the Act even though Congress failed to appropriate sufficient funds to do so in fiscal years 2015 through 2017 (noting that Kane County had not challenged (and the decision did not therefore extend to) the portion the government's reduction of its fiscal year 2015 PILT payments caused by the sequestration of part of the funds appropriated to make FY 2015 PILT payments). The Court granted summary judgment, in favor of the Class, as to the government's liability for underpaying Class Members in those years. The Court has not yet determined the amount by which the Class as a whole, or any individual Class Member, was underpaid in those years. As of the date of this notice, Class Counsel

and counsel for the government have agreed on the amount of the underpayment in fiscal years 2015 and 2016, and anticipate reaching agreement on the amount of the underpayment in fiscal year 2017. The Court's decision is subject to appeal.

**4. What is a Class Action and who is involved?**

In a class action, one or more Class Representatives (in this case, Kane County, Utah) sues on behalf of all Class Members (in this case, units of local government that receive PILT payments) who have the same or similar claims. Kane County and all other Class Members who choose to participate in the Lawsuit are the "Plaintiffs." The United States is the "Defendant." In a class action at the United States Court of Federal Claims, the Court resolves all issues for all Class Members who choose to participate in the Lawsuit. Here, that includes the Court's decision that the government is liable, described in paragraph 3 above.

**5. Why is this lawsuit a Class Action?**

The Court has decided that this Lawsuit meets the requirements of Rule 23 of the Rules of the United States Court of Federal Claims, which governs class actions in that Court. Specifically, the Court has ruled that:

- The potential Class is so numerous that joinder of all Class Members is impractical;
- There are legal questions and facts common to each Class Member's claim;
- The Class Representative's claim is typical of the claims of other Class Members;
- The Class Representative, Kane County, Utah, and Class Counsel, Alan I. Saltman, a partner in the Washington, D.C. office of Smith, Currie & Hancock LLP, will fairly and adequately represent the interests of the Class;
- The common legal and factual questions predominate over questions affecting only individual Class Members; and
- This Class Action will be more efficient than having many individual lawsuits.

**6. What is requested in this Lawsuit?**

The Class Representative seeks, for itself and for all other Class Members who choose to participate in the Lawsuit, payment of the amounts by which each was underpaid in fiscal years 2015 through 2017. Class Counsel will also ask the Court for an award of attorney's fees and expenses.

## WHO MAY PARTICIPATE IN THE CLASS ACTION

### 7. Am I part of this Class Action Lawsuit?

You must decide whether you wish to participate in the Lawsuit. **You cannot participate unless and until you fill out and submit—online, by first class mail, or by pre-paid delivery service—the Class Action Opt-In Notice Form found on the website [www.PILTPayments.com](http://www.PILTPayments.com).** A copy of the Form is also enclosed. The Rules of the United States Court of Federal Claims require that Class Members choose whether to “opt into” the lawsuit. If you fit the description in the next question—and the government’s records indicate that you do—you may opt into and participate in this Lawsuit. If you do nothing, you will be excluded from the Lawsuit and will forfeit your right to receive any monies recovered in the Lawsuit.

### 8. Who can participate in the Lawsuit?

The Court has decided that the Class consists of:

“All ‘unit[s] of local government,’ as defined in 31 U.S.C. § 6901(2), that received payment under 31 U.S.C. § 6902(a) of the Payment in Lieu of Taxes Act in fiscal years 2015, 2016, and/or 2017.”

Any unit of local government meeting this definition may participate in this Lawsuit by timely submitting a completed Class Action Opt-In Notice Form.

### 9. Does participating in the Lawsuit cost any money?

No.

## YOUR OPTIONS

### 10. How can I participate in this Lawsuit?

You can complete and submit your Class Action Opt-In Notice Form online at [www.PILTPayments.com](http://www.PILTPayments.com).

Alternatively, you can complete the enclosed Class Action Opt-In Notice Form and send it by first class mail to:

PILT Payments Class Action, P.O. Box 65876, Washington, D.C. 20035-5876; or by pre-paid delivery service to:

PILT Payments Class Action, 1025 Connecticut Avenue NW, Suite 600, Washington, D.C. 20036. However you transmit it, you **must** submit your completed Form **no later than September 14, 2018** if you wish to participate in the Lawsuit. **Do not delay.**

**11. What happens once I choose to participate in this Lawsuit?**

As a Class Member who chooses to participate in the lawsuit, you will be represented by Class Counsel, who will take all actions necessary to protect your rights. You will receive the benefit of, and be bound by, all rulings, orders, judgments entered, or settlements approved by the Court, whether favorable or unfavorable. You will not, however, be asked to make any out-of-pocket payment of attorney's fees or expenses in the case.

**12. If I choose to participate in the Lawsuit, what will I be required to do?**

After timely submitting a completed Class Action Opt-In Notice Form, the parties currently do not anticipate that you will have to do anything else.

**13. What happens if I choose not to participate in the Lawsuit?**

If you do not submit a completed Class Action Opt-In Notice Form online on or before September 14, 2018; by first class mail postmarked on or before September 14, 2018; or by pre-paid delivery service delivered no later than September 14, 2018, you will be barred from participating in the Lawsuit and will not be entitled to any portion of any monetary recovery by judgment or settlement of the Lawsuit. You will retain the right to sue the federal government on your own about the same legal claims made in the Lawsuit, and will not be bound by the Court's judgment in the Lawsuit. If you decide to pursue your claim independently, outside of this Lawsuit, you should consult an attorney and do so promptly because certain statutes of limitation may bar or limit your claim. If you choose to hire your own attorney, you will be responsible for paying the full cost of that attorney.

**THE LAWYERS REPRESENTING YOU**

**14. If I choose to participate in the Lawsuit, do I have to hire a lawyer to represent me?**

No. The Court has decided that Alan I. Saltman and the firm of Smith, Currie & Hancock LLP are qualified to represent you and all other Class Members who choose to participate. They are called "Class Counsel."

Mr. Saltman is experienced in handling similar cases against the federal government. If you choose to file a Class Action Opt-In Notice Form, you agree to legal representation by Mr. Saltman and his firm.

**15. Should I hire my own lawyer?**

If you decide to participate in the Lawsuit, you do not need to hire a lawyer because Class Counsel is and will continue working on your behalf. But you are permitted to hire your own lawyer if you would like to do so. For

example, you may have your own lawyer appear in Court if you want someone other than Class Counsel to speak for you. Of course, if you choose to hire your own lawyer, you will be responsible for paying the full cost of that lawyer.

**16. How will Class Counsel be paid?**

Class Counsel will submit a request for its fees and expenses to the Court. You will not have to pay any fees or expenses directly. The fees and expenses that the Court determines should be paid to Class Counsel, if any, might be deducted from the money obtained for the Class and might reduce the amount available for distribution to Class Members, and therefore reduce the amount of money you receive.

**LITIGATION INFORMATION**

**17. How and when will the Court decide the amount of the underpayments?**

Class Counsel and counsel for the government have already agreed on the amount of the underpayments in fiscal years 2015 and 2016, and anticipate that they will also reach agreement on the amount of the underpayment in fiscal year 2017. Should that not occur, Class Counsel will have to prove the amount of the underpayments in fiscal year 2017 at trial. No trial date has been set. The Court has not yet entered judgment in any amounts for any of the years involved in the Lawsuit.

**18. If there is a trial on damages, must I attend?**

If there is a trial on damages, you do not need to attend. Class Counsel will present the case on behalf of all Class Members participating in the Lawsuit. You and/or your own lawyer are welcome, and entitled, to attend at your own expense.

**19. When will I get any money from the lawsuit?**

After the Court has determined (a) which Class Members have chosen to participate in the lawsuit, (b) the underpayment amounts, and (c) the fees and expenses that should be paid to Class Counsel, you will be notified about how and when you will receive your payment. At this time, the parties do not know how long that will take, or whether there will be any appeal from the Court's decisions that could impact the entitlement, timing, or amount of any payments.

## GETTING MORE INFORMATION

### 20. Is more information available from the Court?

The pleadings and other records in the Lawsuit may be examined during regular business hours at the Office of the Clerk of the United States Court of Federal Claims. The Court's address is:

United States Court of Federal Claims  
717 Madison Place, N.W.  
Washington, D.C. 20005

THE COURT HAS INSTRUCTED THAT YOU SHOULD NOT CONTACT THE CLERK'S OFFICE BY TELEPHONE, E-MAIL, OR MAIL FOR INFORMATION ABOUT THIS CASE. Please do not contact the United States Court of Federal Claims with questions or requests for information.

### 21. Who can I contact if I have a question or need additional information?

Both a copy of the Court's decisions on Kane County's Motions for Summary Judgment, and its Order certifying the Class are also available at [www.Smithcurrie.com/PILTPaymentsInfo](http://www.Smithcurrie.com/PILTPaymentsInfo).

Any questions you have can be submitted at [www.Smithcurrie.com/PILTPaymentsInfo](http://www.Smithcurrie.com/PILTPaymentsInfo) and Class Counsel will respond. The answers to Frequently Asked Questions, and to submitted questions of general interest, will also be posted there.

**Class Action Opt-In Notice Form**

**UNITED STATES COURT OF FEDERAL CLAIMS**

*Kane County, Utah v. United States*

Case Nos. 17-739C and 17-1991C (Consolidated)

1. To participate in this lawsuit as a Class Member, please fill out this form completely and legibly. **It must be submitted, postmarked, or delivered no later than September 14, 2018.**

See Paragraph 5 below for the addresses for (a) electronic submission via the internet; (b) first class mail; and (c) delivery by pre-paid delivery service.

2. Please fill in the name of the unit of local government [i.e., County, City, Town, Borough, Parish, etc.] opting into the *Kane County, Utah v. United States* Class Action lawsuit:

\_\_\_\_\_,  
Unit of local government

\_\_\_\_\_  
State

3. Please fill in the following information for the unit of local government:

Name of the person who will act as contact for the unit of local government regarding the Class Action lawsuit:

\_\_\_\_\_

His /Her:

Title \_\_\_\_\_

Mailing

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. By signing your name in the space below (or filling in an electronic signature in the format /s/ *First name Last name* if submitting via the internet) you are declaring under penalty of perjury under the laws of the United States that:

(a) The unit of local government named above wishes to opt into the Class Action lawsuit: *Kane County, Utah v. United States*, Case Nos. 17-739C and 17-1991-C (Consolidated).

(b) You are authorized by the unit of local government named above to sign this document on its behalf.

Sign Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Print/Type Your Name: \_\_\_\_\_

Your Position or title with the unit of local government: \_\_\_\_\_

Your e-mail address: \_\_\_\_\_

Your phone number: \_\_\_\_\_

5. Submit this completed form to:

**On Line:**

by clicking "Submit" at <http://www.PILTpayments.com>

- A copy of this Class Action Opt-In Notice Form may also be downloaded at this website.

**By First Class Mail:**

PILT Payments Class Action  
P. O. Box 65876  
Washington, D.C. 20035-5876

**Pre-paid Delivery Service:**

PILT Payments Class Action  
1025 Connecticut Avenue, N.W., Suite 600  
Washington, D.C. 20036

AV-9

Web  
2-18**Application for Property Tax Relief**Elderly or Disabled Exclusion (G.S. 105-277.1),  
Disabled Veteran Exclusion (G.S. 105-277.1C), or  
Circuit Breaker Tax Deferment Program (G.S. 105-277.1B)

County of Jones

, NC

Jones County  
AUG 13 2018  
Tax Department

Year 2018

**Instructions**

Application Deadline: This application must be filed by June 1st to be timely filed. You may submit additional information separately if needed.

Where to Submit Application: Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: <https://www.ncdor.gov/documents/north-carolina-county-assessors-list>. DO NOT submit this application to the North Carolina Department of Revenue.

- Office Use Only:

Property ID Number

541537549700

Last Name of Applicant

SMITH

First Name

DORIS

Middle Name

MAE

Date of Birth (MM-DD-YY)

12/16/46

Last Name of Spouse

SMITH III

First Name

ALEXANDER

Middle Name

Date of Birth (MM-DD-YY)

08/22/52

Residence Address

1525 DAVIS FIELD RD  
POLLOCKSVILLE

NC

28573

E-mail Address

alexsmithiii@aol.com

Home Telephone Number

252-224-9201

Work Telephone Number

Fax

Cell Phone Number

540-392-3881

**Fill in applicable boxes:**☒ Yes ☐ No ➤ Is this property your permanent legal residence?

Addresses of secondary residences (if any):

☒ Yes ☐ No ➤ If married, does your spouse live with you in the residence? If you answer No, provide your spouse's address.

Addresses of spouse:

☐ Yes ☒ No ➤ Are you or your spouse (if applicable) currently residing in a health care facility? If you answer Yes, fill in applicable circle  
Applicant Spouse and indicate current length of stay:☒ Yes ☐ No ➤ As of January 1, 2018 do you and your spouse (if applicable) own 100% interest in the property? If you answer No, list all owners and their ownership percentage (round to the nearest 0.1%)

Owner	%	Owner	%
Owner	%	Owner	%
Owner	%	Owner	%

Note: Separate applications are required for each owner that is claiming property tax relief. If husband and wife own the property, only one application is required.

**Part 3. Disabled Veteran Exclusion**

**Short Description:** This program excludes up to the first \$45,000 of the appraised value of the permanent residence of a disabled veteran. A disabled veteran is defined as a veteran whose character of service at separation was honorable or under honorable conditions and who has a total and permanent service-connected disability or who received benefits for specially adapted housing under 38 U.S.C. 2101. There is no age or income limitation for this program. This benefit is also available to a surviving spouse (who has not remarried) of either (1) a disabled veteran as defined above, (2) a veteran who died as a result of a service-connected condition whose character of service at separation was honorable or under honorable conditions, or (3) a servicemember who died from a service-connected condition in the line of duty and not as a result of willful misconduct. See G.S. 105-277.1C for the full text of the statute.

**Multiple Owners:** Benefit limitations may apply when there are multiple owners. Each owner must file a separate application (other than husband and wife). Each eligible owner may receive benefits under either the Disabled Veteran Exclusion or the Elderly or Disabled Exclusion. The Circuit Breaker Property Tax Deferment cannot be combined with either of these two programs.

**Fill in applicable boxes:**

- ☒ Yes ☐ No I am a disabled veteran. (See definition of disabled veteran above.)
- ☐ Yes ☐ No I am the surviving spouse of either a disabled veteran or a servicemember who met the conditions in the description above. If you answer Yes, complete the next question.
- ☐ Yes ☐ No I am currently unmarried and I have never remarried since the death of the veteran.

- Requirements:
1. File Form NCDVA-9 Certification for Disabled Veteran's Property Tax Exclusion. This form must first be certified by the United States Department of Veterans Affairs, and then filed with the county tax assessor.
  2. Complete Part 6. Affirmation and Signature.

For the 2018 tax year, the maximum amount of taxes that can be deferred is \$45,000. If the owner's income for the previous year has not exceeded the income eligibility limit for the 2018 tax year is \$29,600, the owner's taxes will be limited to four percent (4%) of the owner's income. For an owner whose income exceeds the income eligibility limit (\$29,600) but does not exceed 150% of the income eligibility limit, which for the 2018 tax year is \$44,400, the owner's taxes will be limited to five percent (5%) of the owner's income.

However, the taxes over the limitation amount are deferred and remain a lien on the property. The last three years of deferred taxes prior to a disqualifying event will become due and payable, with interest, on the date of the disqualifying event. Interest accrues on the deferred taxes as if they had been payable on the dates on which they would have originally become due. Disqualifying events are death of the owner, transfer of the property, and failure to use the property as the owner's permanent residence. Exceptions and special provisions apply. See G.S. 105-277.1B for the full text of the statute.

**YOU MUST FILE A NEW APPLICATION FOR THIS PROGRAM EVERY YEAR!!**

**Multiple Owners:** Each owner (other than husband and wife) must file a separate application. All owners must qualify and elect to defer taxes under this program or no benefit is allowed under this program. The Circuit Breaker Property Tax Deferment cannot be combined with either the Elderly or Disabled Exclusion or the Disabled Veteran Exclusion.

**Fill in applicable boxes:**

- ☐ Yes ☐ No As of January 1, were either you or your spouse (if applicable) at least 65 years of age? If you answer Yes, you do not have to file Form AV-9A Certification of Disability.
- ☐ Yes ☐ No As of January 1, were you and your spouse (if applicable) both less than 65 years of age and at least one of you was totally and permanently disabled? If you answer Yes, you must file Form AV-9A Certification of Disability.
- ☐ Yes ☐ No Have you owned the property for the last five full years prior to January 1 of this year and occupied the property for a total of five years?
- ☐ Yes ☐ No Do all owners of this property qualify for this program and elect to defer taxes under this program? If you answer No, the property cannot receive benefit under this program.

- Requirements:
1. File Form AV-9A Certification of Disability if required above.
  2. Complete Part 5. Income Information.
  3. Complete Part 6. Affirmation and Signature.

**Part 6. Affirmation and Signature**

**AFFIRMATION OF APPLICANT** – Under penalties prescribed by law, I hereby affirm that, to the best of my knowledge and belief, all information furnished by me in connection with this application is true and complete. Furthermore, I understand that if I participate in the Circuit Breaker Property Tax Deferment Program, liens for the deferred taxes will exist on my property, and that when a disqualifying event occurs, the taxes for the year of the disqualifying event will be fully taxed and the last three years of deferred taxes prior to the disqualifying event will become due and payable, with all applicable interest.

Deniz M. Smith  
Applicant's Name (please print)

Deniz M. Smith  
Applicant's Signature

08/13/2018  
Date

Alexander Smith III  
Spouse's Name (please print)

Alexander Smith III  
Spouse's Signature

08/13/2018  
Date

Refer to the Instructions on Page 1 for filing information and filing location.\*

Office Use Only

✓

AV-9 Received

AV-9 Received

8 13 2018

AV-9 Received

AV-9 Received

\*All applications must be submitted by June 1 to be timely filed.

**Late Applications:** Upon a showing of good cause by the applicant for failure to make a timely application, an application for exemption or exclusion filed after the [due date] may be approved by the Department of Revenue, the board of equalization and review, the board of county commissioners, or the governing body of a municipality, as appropriate. An untimely application for exemption or exclusion approved under this subsection applies only to property taxes levied by the county or municipality in the calendar year in which the untimely application is filed. [N.C.G.S. 105-282.1(a1)]

	<b>State of North Carolina</b> <b>Certification for Disabled Veteran's</b> <b>Property Tax Exclusion (G.S. 105-277.1C)</b>	<u>Jones</u> COUNTY
<b>SECTION 1</b>	<b>TO BE COMPLETED BY THE VETERAN OR THE</b> <b>SURVIVING SPOUSE WHO HAS NOT REMARRIED</b>	

Doris Mae Smith  
NAME (Print or Type)

1525 Davis Field Dr.  
STREET ADDRESS OR P.O. BOX NUMBER

Pollocksville NC 28573  
CITY STATE ZIP CODE

Doris Mae Smith  
DISABLED VETERAN'S FULL NAME (PRINT OR TYPE)

A  
SURVIVING SPOUSE'S FULL NAME (PRINT OR TYPE)  
*(If Applicable)*

I am either (1) a veteran whose character of service at separation was honorable or under honorable conditions and who has a permanent and total service-connected disability or (2) the surviving spouse, who has not remarried, of a veteran whose character of service at separation was honorable or under honorable conditions and who had a permanent and total service-connected disability at death or veteran's death was the result of a service-connected condition. I request USDVA complete this certification *in support of my separate application for the Disabled Veteran's Property Tax Exclusion to the Tax Assessor.*

**SECTION 2** **Disabled Veteran's Signature**

I authorize the U.S. Department of Veterans Affairs to release information regarding my disability as needed for this certification.

Doris Mae Smith May 15, 2018  
DISABLED VETERAN'S SIGNATURE DATE

**SECTION 3** **Surviving Spouse's (who has not remarried) Signature**

I authorize the U.S. Department of Veterans Affairs to release information regarding my spouse's disability or death as needed for this certification.

\_\_\_\_\_  
SURVIVING SPOUSE'S SIGNATURE DATE

**SECTION 4** **To be completed by the U.S. Department of Veterans Affairs**

Please check all that apply:

A. ☐ Veteran does not meet either B, C, D, or E of the below criteria.

B. ☒ Veteran has a service-connected permanent and total disability that existed as of 1-10-2018.

C. ☐ Veteran received benefits on \_\_\_\_\_ from U.S. Department of Veterans Affairs for specially adapted housing under 38 U.S.C. 2101 for the veteran's permanent residence.

D. ☐ Veteran died on \_\_\_\_\_ and had a service-connected permanent and total disability at death.

E. ☐ Veteran died on \_\_\_\_\_ and the death was either (1) the result of a service-connected condition or (2) death occurred while on active duty in the line of duty and not due to service member's own willful misconduct.

Character of Disabled Veteran's Service at Separation: (DD-214) ☒ Honorable ☐ Under Other than Honorable Conditions  
☐ Under Honorable Conditions

K. Schullhamer  
SIGNATURE OF USDVA CERTIFYING OFFICIAL

Kimberly Schullhamer  
PRINTED NAME OF USDVA CERTIFYING OFFICIAL

USDVA  
TITLE OF USDVA CERTIFYING OFFICIAL

8-2-2018  
DATE

**NOTE:**  
Stamped Signature by USDVA Official on this form has been authorized by Director, VA Regional Office, Winston-Salem, NC.

Tax Year:

### Instructions

- Office Use Only:

Comments:

☐ Yes ☒ No

Parcel ID:

Please contact the Tax Assessor's office if you have questions about which parts should be completed.

I inquired why my taxes went up when they first went up and was told it had been revalued. I was not told anything about this form and request reimbursement for taxes for those years.

**Part 1. Ownership**

On what date did the applicant become the owner of the property? DATE: not sure approx 2012

If owned less than four full years on January 1, provide: Name of Previous Owner: \_\_\_\_\_

How the Applicant is Related to the Previous Owner:

☐ Yes ☒ No ➤ Did one of the applicants reside on the property on January 1 of the year for which this application is made?

If YES, provide name of resident: I have a trailer there but main residence is not there.

☒ Yes ☐ No ➤ Are any of the acres leased out to a farmer? If YES, indicate: Number of acres leased out:

Name of farmer leasing the land: Lewis White

Phone: 252 229 0712

**Choose the legal form of ownership from "a - e" below, and answer the questions, if any, for that ownership:**

☒ a. One Individual

☐ b. Husband and Wife (as tenants by the entirety)

☐ c. Business Entity. (Circle one: Corporation, Limited Liability Company, Partnership) List all the direct shareholders, members, or partners of the business entity and their farming activities:

Member:

Farming Activities:

Member:

Farming Activities:

Member:

Farming Activities:

☐ Yes ☐ No ➤ Once you have reached the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) for the definition of relative.)

State the primary business of the business entity:

☐ d. Trust. List the trustee(s) name of the trust, and all of the beneficiaries:

Trustee(s):

Name of trust:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

☐ Yes ☐ No ➤ Are any of the beneficiaries either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individual's farming activities.

☐ Yes ☐ No ➤ Once you have reached the individual level of ownership interest, are all of the beneficiaries either the trust's creator or relatives of the creator? (See G.S. 105-277.2(5a) for the definition of relative.)

☐ e. Tenants in common. List the tenants and their percentage of ownership (round to the nearest 0.1%):

Owner

%

Owner

%

Owner

%

Owner

%

☐ Yes ☐ No ➤ Are any of the tenants either a business entity or trust? If YES, you must make a copy of this page for each business entity or trust. You must complete the business entity section only or trust section only for each tenant, as appropriate, labeling each copy with the name of the business entity or trust.

**The Tax Assessor may contact you for additional information after reviewing this application.**

## Part 2. Agriculture and Horticulture

For the past three years and for each tax parcel within the farm unit, enter the agricultural or horticultural products actually produced on the land and the gross income from the sale of the products, including livestock, poultry, and aquatic species. **INCOME INFORMATION IS SUBJECT TO VERIFICATION.**

If payments are received from any governmental soil conservation or land retirement program, indicate the acres and amount of income in the table below. Provide the name of the program in the Product column.

**Do not include income received from the rental of the land. Income must be from the sale of the product.**

Parcel ID	ONE YEAR AGO 20			TWO YEARS AGO 20			THREE YEARS AGO 20		
	Product	Acres	Income	Product	Acres	Income	Product	Acres	Income
	Soybeans	80	\$14,400	Corn	80	\$24,640	Soybeans	80	\$12,288
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0

☐ Yes ☐ No

If this application covers a horticultural tract used to grow Christmas trees, has a written management plan been prepared? If YES, attach a copy. If NO, attach a full explanation of your operation that contains at least the following: year each tract was planted, gross income from each tract, site management practices, number of trees per acre, and expected date of harvesting for each tract.

If this application covers an aquatic species farming operation, enter the total pounds produced for commercial sale annually for the last three years: Year 20 : lbs, Year 20 : lbs, Year 20 : lbs

## Part 3. Forestry

**Attach a complete copy of your forest management plan.** Indicate below who prepared the plan:

☐ N.C. Division of Forest Resources

☐ Consulting Forester

☐ Owner

☐ Other

\*e: The property must be actively engaged in the commercial growing of trees under a sound management program as of January 1 e year for which application is made.

Key elements in a written plan for a sound forestland management program are listed below:

1. Management and Landowner Objectives Statement—Long range and short range objectives of owner(s) as appropriate.
2. Location—Include a map or aerial photograph that locates the property described and also delineates each stand referenced in the "Forest Stand(s) Description/Inventory and Stand Management Recommendations" (item 3 below).
3. Forest Stand(s) Description/Inventory and Stand Management Recommendations -- Include a detailed description of various stands within the forestry unit. Each stand description should detail the acreage, species, age, size (tree diameter, basal area, heights), condition (quality and vigor), topography, soils and site index or productivity information. Stand-specific forest management practices needed to sustain productivity, health and vigor must be included with proposed timetable for implementation.
4. Regeneration-Harvest Methods and Dates--For each stand, establish a target timetable for harvest of crop trees, specifying the type of regeneration-harvest (clear cut, seed tree, shelter wood, or selection regeneration systems as applicable).
5. Regeneration Technique--Should include a sound proposed regeneration plan for each stand when harvest of final crop trees is done. Specify intent to naturally regenerate or plant trees.

NOTE: Forest management plans can and should be updated as forest conditions significantly change (e.g. change in product class mix as the stand ages and grows, storm damage, insect or disease attack, timber harvest, thinning, wildfire). The county will audit plans periodically and, to remain eligible for use-value treatment, the plan must be implemented.

#### Part 4. Affirmation

**AFFIRMATION OF APPLICANT**—I (we) the undersigned declare under penalties of law that this application and any attachments hereto have been examined by me (us) and to the best of my (our) knowledge and belief are true and correct. In addition, I (we) fully understand that an ineligible transfer of the property or failure to keep the property actively engaged in commercial production under a sound management program will result in the loss of eligibility. I (we) fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.

*Susan Booth*

Owner

8/10/18

*Alfred L. White*

Tenant

7-30-18

**Part 5. Continued Use** (Complete only if the property is currently in Present Use Value and you are applying for immediate eligibility under the Continued Use exception. See G.S. 105-277.3(b2)(1) for full details.)

- I certify:
1. The property is currently in Present-Use Value.
  2. I intend to continue the current use of the land under which it currently qualifies.
  3. I understand I will be responsible for all deferred taxes due because of any disqualification.
  4. I ACCEPT FULL LIABILITY FOR ANY EXISTING DEFERRED TAXES.

Note: If the property is currently in Present-Use Value and liability is not accepted, the full amount of the deferred taxes will typically be due in the name of the grantor immediately. Liability need not be accepted and no deferred taxes are due for qualifying transfers pursuant to G.S. 105-277.3(b) and (b1). For example, liability does not need to be accepted for qualifying transfers to relatives. However, any deferred taxes existing at the time of transfer will remain a lien on the property. Owners already receiving Present-Use Value on properties not included in this application may wish to review the alternative provisions of G.S. 105-277.3(b2)(2).

*Susan Booth*

Signature of Owner (All tenants of a tenancy in common must sign.)

owner

Title

8/10/18

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

FOR OFFICE USE ONLY: ☐ APPROVED ☐ DENIED BY: \_\_\_\_\_ REASON FOR DENIAL: \_\_\_\_\_

AV-5  
Web  
3-13

# Application for Agriculture, Horticulture, and Forestry Present-Use Value Assessment

(G.S. 105-277.2 through G.S. 105-277.7)

Jones County  
AUG 17 2018  
Tax Department

County of Jones, NC

Tax Year 2019

Full Name of Owner(s) <u>NCSPP LLC</u>			
Mailing Address of Owner <u>3625 North Vermont Street</u>			
City <u>Arlington</u>	State <u>VA</u>	Zip Code <u>22207</u>	
Home Telephone Number <u>(703) 534-3731</u>	Work Telephone Number <u></u>	Ext. <u></u>	Cell Phone Number <u>(202) 255-6867</u>

## Instructions

**Application Deadline:** This application must be filed during the regular listing period, or within 30 days of a notice of a change in valuation, or within 60 days of a transfer of the land.

**Where to Submit Application:** Submit this application to the county tax assessor where this property is located. County tax assessor addresses and telephone numbers can be found online at: [www.dornc.com/downloads/CountyList.pdf](http://www.dornc.com/downloads/CountyList.pdf). DO NOT submit this application to the North Carolina Department of Revenue.

- Office Use Only:

This application is for: (check all that apply)

☐ AGRICULTURE (includes Aquaculture)

☐ HORTICULTURE

☒ FORESTRY

Enter the Parcel Identification Number, acreage breakdown, and acreage total for each tax parcel included in this application:

PARCEL ID	OPEN LAND in Production	OPEN LAND not in Production	WOOD LAND	WASTE LAND	CRP LAND	HOME SITE	OTHER (Describe in Comments)	TOTAL ACRES
540634875100			158.00					158.00
								0.00
								0.00
								0.00
								0.00

Comments: Trees were harvested in 2018. In the process of replanting.

☐ Yes ☒ No ➡ Does the applicant own property in other counties that is also in present-use value and is within 50 miles of this property? If YES, list the county or counties and parcel identification number(s):

County:

Parcel ID:

County:

Parcel ID:

## IMPORTANT!

AGRICULTURE and HORTICULTURE applications with LESS than 20 acres of woodland generally need to complete PARTS 1, 2, and 4.

AGRICULTURE and HORTICULTURE applications with MORE than 20 acres of woodland generally need to complete PARTS 1, 2, 3, and 4.

FORESTRY applications need to complete PARTS 1, 3, and 4.

ADDITIONALLY, applications for CONTINUED USE of existing present-use value classification need to complete PART 5.

Please contact the Tax Assessor's office if you have questions about which parts should be completed.

**Part 1. Ownership**

On what date did the applicant become the owner of the property? DATE: 12-29-17

If owned less than four full years on January 1, provide: Name of Previous Owner: The Perry-Griffin Foundation

How the Applicant is Related to the Previous Owner: no relationship

☐ Yes ☒ No ➤ Did one of the applicants reside on the property on January 1 of the year for which this application is made?

If YES, provide name of resident:

☐ Yes ☒ No ➤ Are any of the acres leased out to a farmer? If YES, indicate: Number of acres leased out:

Name of farmer leasing the land:

Phone:

**Choose the legal form of ownership from "a - e" below, and answer the questions, if any, for that ownership:**☐ a. One Individual☐ b. Husband and Wife (as tenants by the entirety)☒ c. Business Entity. (Circle one: Corporation, Limited Liability Company, Partnership) List all the direct shareholders, members, or partners of the business entity and their farming activities:

Member: Meredith Senter

Farming Activities: timberland ownership

Member:

Farming Activities:

Member:

Farming Activities:

Member:

Farming Activities:

☐ Yes ☒ No ➤ Are any of the direct shareholders, members, or partners either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individuals' farming activities.☐ Yes ☒ No ➤ Once you have reached the individual level of ownership interest, are all of the individuals relatives of each other? (See G.S. 105-277.2(5a) for the definition of relative.)

State the principal business of the business entity: timberland ownership and management

☐ d. Trust. List the trustee(s), name of the trust, and all of the beneficiaries:

Trustee(s):

Name of trust:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

Beneficiary:

Farming Activities:

☐ Yes ☐ No ➤ Are any of the beneficiaries either a business entity or trust (i.e. not an individual)? If YES, you must attach a breakdown of those business entities or trusts until you reach the individual level of ownership interest and you must describe those individual's farming activities.☐ Yes ☐ No ➤ Once you have reached the individual level of ownership interest, are all of the beneficiaries either the trust's creator or relatives of the creator? (See G.S. 105-277.2(5a) for the definition of relative.)☐ e. Tenants in common. List the tenants and their percentage of ownership (round to the nearest 0.1%):

Owner

%

Owner

%

Owner

%

Owner

%

☐ Yes ☐ No ➤ Are any of the tenants either a business entity or trust? If YES, you must make a copy of this page for each business entity or trust. You must complete the business entity section only or trust section only for each tenant, as appropriate, labeling each copy with the name of the business entity or trust.The Tax Assessor may contact you for additional information after reviewing this application.

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For the past three years and for each tax parcel within the farm unit, enter the agricultural or horticultural products actually produced on the land and the gross income from the sale of the products, including livestock, poultry, and aquatic species. **INCOME INFORMATION IS SUBJECT TO VERIFICATION.**

If payments are received from any governmental soil conservation or land retirement program, indicate the acres and amount of income in the table below. Provide the name of the program in the Product column.

Do not include income received from the rental of the land. Income must be from the sale of the product.

	ONE YEAR AGO 20 <input type="text"/>			TWO YEARS AGO 20 <input type="text"/>			THREE YEARS AGO 20 <input type="text"/>		
Parcel ID	Product	Acres	Income	Product	Acres	Income	Product	Acres	Income
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0
	Totals	0.00	0	Totals	0.00	0	Totals	0.00	0

☐ Yes ☐ No ➔ If this application covers a horticultural tract used to grow Christmas trees, has a written management plan been prepared? If YES, attach a copy. If NO, attach a full explanation of your operation that contains at least the following: year each tract was planted, gross income from each tract, site management practices, number of trees per acre, and expected date of harvesting for each tract.

If this application covers an aquatic species farming operation, enter the total pounds produced for commercial sale annually for the last three years: Year 20  lbs, Year 20  lbs, Year 20  lbs

**Part 3. Forestry**

**Attach a complete copy of your forest management plan.** Indicate below who prepared the plan:

☐ N.C. Division of Forest Resources ☒ Consulting Forester ☐ Owner ☐ Other

Note: The property must be actively engaged in the commercial growing of trees under a sound management program as of January 1 of the year for which application is made.

Key elements in a written plan for a sound forestland management program are listed below:

1. Management and Landowner Objectives Statement—Long range and short range objectives of owner(s) as appropriate.
2. Location—Include a map or aerial photograph that locates the property described and also delineates each stand referenced in the "Forest Stand(s) Description/Inventory and Stand Management Recommendations" (item 3 below).
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NOTE: Forest management plans can and should be updated as forest conditions significantly change (e.g. change in product class mix as the stand ages and grows, storm damage, insect or disease attack, timber harvest, thinning, wildfire). The county will audit plans periodically and, to remain eligible for use-value treatment, the plan must be implemented.

#### Part 4. Affirmation

**AFFIRMATION OF APPLICANT**—I (we) the undersigned declare under penalties of law that this application and any attachments hereto have been examined by me (us) and to the best of my (our) knowledge and belief are true and correct. In addition, I (we) fully understand that an ineligible transfer of the property or failure to keep the property actively engaged in commercial production under a sound management program will result in the loss of eligibility. I (we) fully understand that loss of eligibility will result in removal from the program and the immediate billing of deferred taxes.

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

#### Part 5. Continued Use *(Complete only if the property is currently in Present-Use Value and you are applying for immediate eligibility under the Continued Use exception. See G.S. 105-277.3(b2)(1) for full details.)*

- I certify:
1. The property is currently in Present-Use Value.
  2. I intend to continue the current use of the land under which it currently qualifies.
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Title

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

Signature of Owner (All tenants of a tenancy in common must sign.)

Title

Date

FOR OFFICE USE ONLY: ☐ APPROVED ☐ DENIED BY \_\_\_\_\_ REASON FOR DENIAL \_\_\_\_\_

**2018 – Jail Meal Bids**

Subway	\$4.35
Old Plant Diner	\$4.65

# County of Jones Finance Office

Amanda Meadows  
Assistant Finance Officer

418 Hwy 58 N, Unit A  
Trenton, North Carolina 28585

Phone: (252) 448-5111  
Fax: (252) 448-1072

August 7, 2018

RECEIVED  
AUG 16 2018  
BY FINANCE *apm*

To Whom It May Concern:

This is to inform you that the jail meals are being bid out to local establishments. If you are interested in preparing jail meals for the county, please complete the bid form below and return to the finance office by 5:00 pm on Monday, August 27, 2018.

These meals will have to be served three (3) times a day, Monday through Sunday of each week, as long as prisoners are housed in the jail. You will also be responsible for delivering the meals to the Jones County Detention Center. The bid price will need to also include a beverage. If you cannot serve Monday through Sunday, please state the days you are able to serve.

Also, attached is a list of "NC Minimum Standards for the Operation of Local Confinement Facilities" for your inspection. These standards must be followed if your bid is accepted.

Sincerely,

*Amanda F. Meadows*

Amanda F. Meadows  
Assistant Finance Officer

Business Name: Sub-Attack LLC

Monday through Sunday:

I hereby bid the following price per meal including beverage \$ 4.35.

Other:

I hereby bid the following price per meal including beverage \$ \_\_\_\_\_ on the following days only \_\_\_\_\_.

This bid takes effect September 1, 2018 and if your bid is accepted, you will be notified and asked to sign a Caterer's Agreement.

# County of Jones Finance Office

Amanda Meadows  
Assistant Finance Officer

418 Hwy 58 N, Unit A  
Trenton, North Carolina 28585

Phone: (252) 448-5111  
Fax: (252) 448-1072

RECEIVED

August 7, 2018

AUG 27 2018

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Also, attached is a list of "NC Minimum Standards for the Operation of Local Confinement Facilities" for your inspection. These standards must be followed if your bid is accepted.

Sincerely,

*Amanda F. Meadows*

Amanda F. Meadows  
Assistant Finance Officer

Business Name: Old Plant Diner (Michael D. Munroe)

Monday through Sunday:

I hereby bid the following price per meal including beverage \$ 4.65

Other:

I hereby bid the following price per meal including beverage \$ N/A on the following days only \_\_\_\_\_

This bid takes effect September 1, 2018 and if your bid is accepted, you will be notified and asked to sign a Caterer's Agreement.

# MICHAEL D. MURRELL

4359 Timberlake Lane · Stone Mountain, Georgia 30083 · (678) 923 – 5194 · murrellmd@aol.com

---

## PROFESSIONAL EXPERIENCE

Murrell's Cafe, Atlanta, GA.

Owner/Operator

2006 - Present

### *Interdenominational Theological Center*

- Organize and manage a full service restaurant and catering service on the campus of ITC
- Providing meal plans for students and all other food and beverage need for the campus and general public.
- Developing and managing the catering business and special events along with my general manager and staff.
- Communicates daily with my client designee the Vice President of Facility to ensure open communication and consistency.
- Manage profit and loss for all segments of the business, negotiating contracts for catering events and work with students and alumni regarding various affairs.
- Manage a fine dining restaurant on the campus which is open to the general public.
- Responsible for ordering supplies, inventory control, conducting interviews and hiring the staff including managers, development and training of employees, menu design, negotiating contracts with vendors, and arranging rentals from various companies for catering business.

### *Morris Brown College*

- Organize and manage a full service restaurant, catering service, and stadium concessions on the campus of Morris Brown College
- Responsible for providing student feeding for three meals per day, every day of the week, providing all food and beverages for the campus.
- Developing and managing the catering business, and coordinating concessions for the stadium during sporting events.
- Direct contact daily with my client the Chief of Staff for the University.
- Manage profit and loss for all three segments of the business, negotiating contracts for all catering events, acts as liaison with the student and alumni association.
- Manage a fine dining restaurant on the campus which is open to the general public.
- Responsible for ordering supplies, inventory control, conducting interviews and hiring the staff including managers, development and training of employees, menu design, negotiating contracts with vendors, and arranging rentals from various companies for catering business.

### *Burger King Corporation*

Restaurant/Area Manager

2005 – 2006

- Responsible for profit and loss for a multi-million dollar business.
- Conducted interviews and hired crew and managers.
- Created development plans for all employees, ensuring that all employees were well trained and managed all employee relations issues.

- Responsible for supply orders, conduct loss prevention controls, restaurant cleanliness, vendor negotiations, customer service, and employee relations.

### ***Murrells Café, Atlanta, GA***

2001 – 2005

*Owner/Operator*

- Responsible for sales, marketing, operations, customer service, employee relations, restaurant cleanliness, menu development, hiring, firing, training, employee development, and café operations of a successful restaurant business.

### ***Volume Services, Inc., Charlotte, NC***

1994 - 2001

*National Food Service provider for sports and entertainment facilities.*

*Regional Vice President*

- Responsible for the overall management of fourteen food and beverage facilities, which included NFL stadiums, convention center, coliseums, arenas, amphitheaters, minor league baseball and college stadiums.
- Managed the operations budget for over thirty six million dollars in sales.
- Developed client relationships and negotiated contracts.
- Forecast and calculated cost controls and prepared P & L reports.
- Hired and trained location managers for all facilities.

### ***North Carolina Dept. of Transportation Raleigh, NC***

1991 - 1994

*State agency dealing with highway infrastructure.*

*Training Consultant*

*Conducted management skills training for employees of DOT and DMV.*

- Developed training modules and materials.
- Consulted with Department Heads on Personnel Performance Issues
- Traveled throughout the state conducting Management Training Classes and Assessments

### ***Orange County Government, Hillsborough, NC***

1989 - 1991

*Assistant Director of Public Works*

*Responsible for daily operation of county properties and facilities.*

- Supervised, trained and recruited county employees.  
Compiled weekly, monthly, and annual reports for County Commissioners.

### ***American Airlines, Raleigh, NC & Atlanta, GA***

1989 – 2004

*International air carrier.*

*Fleet Service Clerk (part-time) Cargo and baggage handling*

### ***Overnite Transportation Company, Cleveland, OH***

1979 - 1989

*Local and long-distance trucking services.*

*Terminal Manager*

- Responsible for overall daily operations of trucking terminal. Also responsibilities include all terminal operations, Sales, designing drivers' routes, resolving complaints and claims, contracting for truck repairs, safety, and payroll.

## **EDUCATION**

MS, Educational Media and Communications 1978  
North Carolina A&T State University, Greensboro, NC

BS, Business Administration 1976  
Winston-Salem State University, Winston Salem, NC

## **AFFILIATIONS**

International Association of Facility/Arena Management (IAFAM)  
Winston Salem State University Alumni  
North Carolina A&T State University Alumni  
Omega Psi Phi Fraternity, Inc. Eta Omega Chapter  
Heart to Heal Ministries (Feeding the Homeless)  
Greater Piney Grove Church  
Westside Business Chamber Member

# SANITATION RATING

# A 935

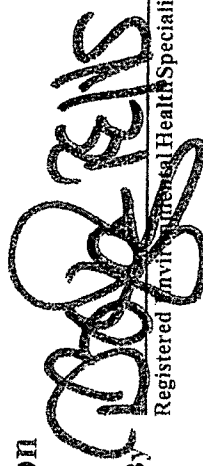
*This is to certify that*

*OLD PLANT DINER*

*was inspected on* APRIL 18, 2008.

North Carolina Department of Health and Human Services  
Division of Public Health  
Environmental Health Section



By   
Registered Environmental Health Specialist

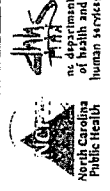
EHS 1097 (Revised 10/13)

[www.ncdhhs.gov](http://www.ncdhhs.gov) • [www.publichealth.nc.gov](http://www.publichealth.nc.gov)

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Environmental Health Section





# North Carolina Department of Public Safety

## Purchasing and Logistics

Roy Cooper, Governor  
Erik A. Hooks, Secretary

Cassandra Skinner Hoekstra, Chief Deputy Secretary  
Douglas Holbrook, Chief Financial Officer  
Joanne B. Rowland, Director

September 6, 2017

Franky J. Howard  
Jones County Manager  
418 Hwy 58 N., Unit A  
Trenton, NC 28585

**RE: County Provided Space Trenton, Jones County, NC (Attached Lease)**

Dear Mr. Howard:

Hope all is well! Our **DPS-Probation and Parole** staff has been occupying space without a leased space agreement since November, 2016. With respect to §Statute 15-209 and in effort to update our records, please see "no cost" lease documents attached. Upon your review and approval, kindly sign both originals of enclosed lease, have notarized and returned to me at the address listed below. The lease will be executed by the DPS Property Office and one original will be returned to you for your records. Please leave the date on the first page blank as this will be completed by the DPS Property Office upon execution.

Should you have any questions or concerns, please feel free to contact me or Ron Moore, Real Property Officer at 919-324-6467. Thank you in advance for your assistance regarding this matter.

Sincerely,

Angela C. Conyers, Administrative Assistant II

Phone: 919-324-6228

Fax: 919-733-5188

[Angela.Conyers@ncdps.gov](mailto:Angela.Conyers@ncdps.gov)

[www.ncdps.gov](http://www.ncdps.gov)

**MAILING ADDRESS:**  
4227 Mail Service Center  
Raleigh, NC 27699-4200  
[www.ncdps.gov](http://www.ncdps.gov)



*An Equal Opportunity Employer*

**OFFICE LOCATION:**  
3030 Hammond Business Place  
Raleigh, NC 27603-3666  
Telephone (919) 743-8141  
Fax (919) 733-3731

3. Lessor agrees to furnish to the Lessee, as a part of the consideration for this lease, the following services and utilities to the satisfaction of the Lessee.

- A. Heating facilities, air conditioning facilities, adequate electrical facilities, adequate lighting fixtures and sockets, hot and cold water facilities, and adequate toilet facilities.
- B. Janitorial services and supplies including maintenance of lawns, parking areas, common areas and disposal of trash.
- C. All utilities except telephone.
- D. Parking as available.
- E. The lessor covenants that the leased premises are generally accessible to persons with disabilities. This shall include access into the premises from the parking areas (where applicable), into the premises via any common areas of the building and access to an accessible restroom.

4. During the lease term, the Lessor shall keep the leased premises in good repair and tenantable condition, to the end that all facilities are kept in an operative condition. Maintenance shall include, but is not limited to furnishing and replacing electrical light fixture ballasts, air conditioning and ventilating equipment filter pads, if applicable, and broken glass. In case Lessor shall, after notice in writing from the Lessee in regard to a specified condition, fail, refuse, or neglect to correct said condition, or in the event of an emergency constituting a hazard to the health or safety of the Lessee's employees, property, or invitees, it shall then be lawful for the Lessee in addition to any other remedy the Lessee may have, to make such repair at its own cost and to deduct the amount thereof from the rent that may then be thereafter become due hereunder. The Lessor reserves the right to enter and inspect the leased premises, at reasonable times, and to make necessary repairs to the premises.

5. It is understood and agreed that Lessor shall, at the beginning of said lease term as hereinabove set forth, have the leased premises in a condition satisfactory to Lessee, including repairs, painting, partitioning, remodeling, plumbing and electrical wiring suitable for the purposes for which the leased premises will be used by Lessee.

6. The Lessee shall have the right during the existence of this lease, with the Lessor's prior consent, to make alterations, attach fixtures and equipment, and erect additions, structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease or any prior lease of which this lease is an extension or renewal shall be and remain the property of the Lessee and may be removed therefrom by the Lessee prior to the termination of this lease or any renewal or extension thereof, or within a reasonable time thereafter. The Lessee shall have no duty to remove any improvement or fixture placed by it on the premises or to restore any portion of the premises altered by it. In the event Lessee elects to remove his improvements or fixtures and such removal causes damage or injury to the demised premises, Lessee will repair only to the extent of any such damage or injury.

15. "N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization."

**[Remainder of page intentionally left blank; signatures on following pages]**

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, do hereby certify that **Franky J. Howard**, personally came before me this day and acknowledged that he is the **County Manager**, and that by authority and given as an act of **Jones County** and acknowledged the due execution of the foregoing instrument in its name.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I, Wanda B. Hicks, a Notary Public in and for the County of Johnston and State aforesaid, do hereby certify that **Joanne Rowland**, personally appeared before me this date and acknowledged the due execution by her of the foregoing instrument as Director of Purchasing and Logistics of the Department of Public Safety of the State of North Carolina, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public

My commission expires August 19, 2019

**Trojan Booster C.**  
**Jones Senior High School**  
**1490 Hwy 58 S, Trenton, NC 28585**  
**252-448-2451**

EXHIBIT G



July 30, 2018

Dear Super Booster Member:


I want to take this time to thank you for your support of Jones Senior athletics for the past school year! Because of your generosity, we were able to provide needed, equipment and supplies to our sports' teams when the high school athletic budget could not. Because of your donations, we were able to provide something of need to every coach and team: sports equipment, team shirts and wind shirts, sports camps and clinics, meals before games and Hudl team software for our athletes. On the back of this letter is the Treasurer's report for the last two years. You will find that Super Boosters' donations made up a good chunk of our income and we couldn't have done as much without your support!

Last year was a tough year for most of our teams where a majority of the varsity athletes were freshmen and sophomores competing against seniors at the other schools. It was a rebuilding year so we are expecting to see a positive turnaround this coming year! One bright spot this year was our girls' track team, who placed third in the state in the 4X 100 M Relay. This team consisted of Nikajha Butcher, Nykeia Hagans, Shaelah King and Jade Stewart. There was also one more young lady, Tanayja Green, who qualified for the 300 M hurdles at State and placed 8<sup>th</sup> in the state. We are very proud of the five young ladies who were the only student-athletes from Jones Senior to make it to an NCHSAA State Championship this year. Trojan Boosters are very proud to say we supported these athletes, thanks to your contributions!

The Super Booster membership renewals will remain at \$300 for the 2018-19 school year. We plan to give you many benefits for your investment. This year, all Super Boosters will be advertised at every home game on one large banner which will be displayed not only at the football field but also at basketball and baseball/softball games. Also as a Thank You, Super Boosters will also receive 4 Booster game passes for all sports at Jones Senior. **You will not be asked for sports donations the rest of the year!** We are grateful for your support of our student-athletes and want to ensure our parents and fans support you in return!

Again, thank you for your support this year and we hope you continue to support our student-athletes by sending a check for \$300 to the high school's address above at my attention before August 31. Please be sure to meet this deadline if you want your name displayed on the Super Booster Banner. The banner will be ready by the second home game on Sept 7. The first home football game is August 24, where we will begin announcing the name of your organization if you send payment before then. If you have any questions, please do not hesitate to contact me.

Thank you for your support and Go Trojans!!

  
Dawn Kantz, Booster President  
Cell: 910-389-9987/ email:

**POLLOCKSVILLE VOLUNTEER FIRE DEPARTMENT**  
PO Box 219, Pollocksville, N.C. 28573  
Phone 252-224-4681

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Donnie Murphy – Chief

R. "Buddy" Weatherington, III - Treasurer

Frankie Eubank – Asst. Chief

Lori Sadorski- Secretary

Chuck Mallard – Captain

**Board of Directors:**

Steve Mallard – President

R. "Buddy" Weatherington, III - Member

James Bender – Secretary

Charles Mallard - Member

Amos Andrews – Member

Josh Fitzgerald – Member

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The Pollocksville Volunteer Fire Department cordially invites you to an open house celebration of our newly renovated fire station located at 209 Beaufort Rd., Pollocksville, N.C. Saturday, September 22, 2018.

The open house will begin at twelve o'clock noon with lunch being provided by our fire department. After lunch, our department will give you a tour of the fire station along with a brief overview on how this all was made possible.

Without the help of everyone whether it was grants, private donations, fundraisers, or prayers, this would not have been possible without each of you and GOD's BLESSINGS.

Our fire department would like to give our sincere THANKS to each of you and your organizations for helping us make our VISION/DREAMS come true.

May GOD continue to BLESS each of you and please let us know if our fire department can ever assist you in anyway.

Look forward to seeing you on September 22, 2018.

Respectfully,

The Pollocksville Volunteer Fire Department Members.

**NOTE:** Please RSVP by September 7, 2018 with a headcount that will be attending so we can prepare enough food and beverages. You may call Buddy Weatherington (252) 514-1180, Donnie Murphy (252) 229-9011, Frankie Eubank (252) 349-9925, or Steve Mallard (252) 671-6127. You may also email our fire department at [pvfdept@centurylink.net](mailto:pvfdept@centurylink.net)

## CONTRACT AGREEMENT FOR SCHOOL RESOURCE OFFICER

This Agreement is made this 2nd day of July 2018, by and between the Jones County Board of Education ("Board") and The County of Jones ("County").

### WITNESSETH

WHEREAS, the Board and the County recognize the potential outstanding benefits of the School Resource Officer Program to the citizens of Jones County, North Carolina, and particularly to the students of the public school system of Jones County, North Carolina;

WHEREAS, the Board desires to have the County provide a School Resource Officer to Jones Senior High School;

WHEREAS, the County is willing to provide a School Resource Officer to Jones Senior High School;

WHEREAS, it is in the best interest of the Board, the County, and the citizens of Jones County to establish the School Resource Officer Program as hereinafter described;

NOW, THEREFORE, in consideration of the promises and covenants of the parties hereto herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Board and the Sheriff do hereby agree as follows:

### Article I

A School Resource Officer Program is hereby established in the public school system of Jones County, North Carolina to establish a safe and secure environment on the campus of Jones Senior High School by preventing crime and violence. The goals of the School Resource Officer Program are to improve student learning, student attendance and the overall quality of the educational program for students and educators. Subject to Article VIII, the School Resource Officer Program shall continue indefinitely hereafter contingent upon the availability of funds for the program; however, the parties agree to revisit the terms of this Agreement annually.

### Article II

#### Duties of the Sheriff

The County shall provide a School Resource Officer (hereinafter referred to as "SRO" as follows):

1. The Sheriff shall assign a regularly employed Deputy Sheriff to Jones Senior High School. The Sheriff shall take the lead in the hiring process, with the Superintendent of Jones County Schools and principal of Jones Senior High School serving as a member of the interview team. The Board prefers an SRO that has experience working with youth who has an even temperament and can set a good example for students.
2. The Sheriff shall designate a regularly employed Deputy Sheriff to supervise the SRO Program and to coordinate the functions of the SRO Program with the Jones County School Superintendent or designee.
3. The Sheriff shall provide the SRO with the same type benefits, equipment, supplies, and training as that provided regularly employed Deputy Sheriffs.

4. The SRO shall be required to maintain minimum in-service training and certification requirements as would normally apply to all other certified officers in the Department and shall receive specific training in serving as an SRO.

### Article III Duties of the SRO

1. The SRO shall wear the Deputy Sheriff uniform issued by the Sheriff's Department and shall be neat and well groomed, and shall maintain high visibility at all times, especially in areas of student gatherings and where incidents of crime or violence are most likely to occur.
2. The SRO shall take appropriate enforcement action on criminal matters as necessary. The SRO shall, whenever practical, advise the principal before requesting additional enforcement assistance on campus and inform the principal of any additional law enforcement responsibilities that may need to be undertaken. The SRO shall notify the principal and the Sheriff as soon as possible, if an investigation produced evidence of danger for any individual associated with the Jones County Schools or if there is a potential for violence at any of the schools.
3. The SRO shall refrain from being involved in the enforcement of disciplinary rules that do not constitute violations of the law, except to support staff in maintaining a safe school environment. The SRO shall assist with duties regularly assigned to school personnel such as lunchroom or hall duty when the SRO and principal have determined it is necessary to maintain a safe school environment. Nothing herein is intended to preclude the SRO from being available in areas where interaction with students is expected.
4. The SRO shall abide by all applicable legal requirements concerning interviews or searches should it become necessary to conduct formal law enforcement interviews or searches with students or staff on property or at school functions under the jurisdiction of the Board. The SRO will not be involved in searches conducted by school personnel unless there is reasonable suspicion that a criminal act is involved or unless school personnel require the assistance of the SRO because of exigent circumstances, such as the need for safety or to prevent flight. Formal investigations and arrests by law enforcement officials will be conducted in accordance with applicable legal requirements.
5. The SRO shall comply with all laws, regulations, and school board policies applicable to employees of Jones County, including but not limited to laws, regulations and policies regarding access to confidential student records, provided that SROs shall under no circumstances be required or expected to act in a manner inconsistent with their duties as law enforcement officers. The use of confidential school records by the SRO shall be done only with the principal's approval and as allowed under the Family Educational Rights and Privacy Act.
6. The SRO shall remain on the school grounds during normal school hours. There may be occasions in which the SRO is called to assist at other schools within Jones County. The SRO is expected to leave the campus to assist in an extreme emergency (as directed only by the Sheriff himself), to attend required agency functions, to perform routine maintenance on equipment, to meet with parents about student issues related to the SRO Program and to assist with difficult student transports. The principal or an administrator should be informed of any planned or unplanned SRO absence from the campus.
7. The SRO shall be a positive role model at all times and in all facets of the job; seek to establish a rapport with staff, faculty, students, and others associated with the school; and encourage students in developing positive attitudes towards the school, education, and positive living in general. The SRO shall hold conferences and interviews with students, parents, and staff and faculty members, in order to assist them with problems of law enforcement and crime prevention. Confidential information will be protected to the fullest extent of the law, unless the individual being conferenced or interviewed permits otherwise.

8. The SRO shall develop expertise in presenting various subjects, particularly in meeting federal and state mandates in drug abuse prevention education, and provide these presentations at the request of the school personnel in accordance with the established curriculum.
9. The SRO shall attend meetings of parent and faculty groups to solicit their support and understanding of the school resource program and to promote awareness of law enforcement functions.
10. The SRO shall be familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc., and make referrals when appropriate.
11. The SRO shall confer with the principal to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school-related activities. The principal will contact any other school system personnel who should be involved in discussions.
12. The SRO shall, whenever possible, participate in or attend school functions, in order to assure the peaceful operation of school-related programs.
13. The SRO shall evaluate traffic flow at the school to determine what level of control is needed and, in the absence of appropriate school personnel, arrange for traffic control during specified times.
14. The SRO shall coordinate with the principal and be responsible for law enforcement and security activity at extra-curricular events, including but not limited to all varsity sports events.
15. The SRO shall not discuss matters of school concern with anyone other than the Jones Senior High principal, the Jones County School Superintendent, or the Sheriff of Jones County, unless otherwise authorized by the Sheriff or Superintendent.

#### Article IV Duties of the Board

The Board agrees to provide to the full-time SRO of Jones Senior High School:

1. Access to suitable accommodations at the school.
2. A radio for use on campus.
3. Keys to the assigned school.

#### Article V Financing the School Resource Office Program

For a twelve (12) month period beginning July 2, 2018, the Board agrees to pay the Sheriff's Office the sum of **Fifty Thousand Dollars (\$50,000.00)**, said sum representing the actual, direct, and related costs of implementing this program (ie, salary, benefits, training, uniforms, vehicle fuel costs, vehicle maintenance, and any and all other equipment and duty gear). As consideration for the aforementioned compensation, the SRO will provide the services discussed in this Agreement for forty-(40) hours each week, the schedule of such hours, which may include the coverage of sporting events at the school in the evening, to be determined by the principal. Consistent with the Fair Labor Standard Act (FLSA), the SRO will be awarded compensatory time at a rate of one and a half hours for each hour worked in excess of forty (40) hours in any given week. When possible, compensatory time should be used any time school is not in session and/or when students are not on campus. Continuation of the program shall be contingent upon available funding.

The Sheriff's Department shall not utilize the SRO during the designated workday and term of this agreement for duties other than set forth herein, except in rare and serious emergencies as declared by

the Sheriff himself. Upon notification from the Board, the Sheriff's Department may also utilize the SRO when his services are not otherwise required. The Board agrees that it will notify the Sheriff's Department during the summer months (and on school holidays) if and when the SRO is not needed at the schools.

#### Article VI Employment Status of School Resource Officer

The SRO shall remain an employee of the Jones County Sheriff's Office, and shall not be an employee of the Board. The Sheriff makes selection of personnel for assignment to the SRO Program. The Sheriff may dismiss or reassign the SRO based upon the Sheriff's Rules, Regulations, and/or General Orders and when it is in the best interest of the people of Jones County.

In the event the principal (or acting principal) of Jones Senior High School feels that the SRO is not effectively performing his or her duties or responsibilities, the principal shall recommend to the Superintendent that the SRO be removed from the program and shall state the reasons in writing. Within ten (10) days after receiving the recommendation from the principal, the Superintendent or his/her designee, if s/he agrees, shall advise the Sheriff or his/her designee of the request. Immediately upon receipt of the Superintendent and principal's request, the Sheriff shall ensure that the SRO shall be removed from the program at the school and a replacement shall be obtained.

In the event of the resignation, dismissal, or reassignment of the SRO, the Sheriff shall provide a replacement for the SRO within a reasonable period of time, not to exceed sixty (60) days. During such interim period, the Sheriff shall assign an alternate Deputy Sheriff to carry out the duties of the SRO until a replacement can be secured.

#### Article VII Scope of SRO Duties

The SRO is, first, a law enforcement officer whose primary duty is enforcement of the law. The SRO shall also be subject to the general supervision of the principal or principal's designee of the school(s) to which they are assigned, as well as to the superintendent or superintendent's designee, provided that they shall under no circumstances be required to act in a manner inconsistent with their duties as a law enforcement officer.

#### Article VIII Termination of Agreement

This Agreement may be terminated by either party, with or without cause, upon twenty (20) days written notice to the other party. Termination of this Agreement may only be accomplished as provided herein. In the event the Agreement is terminated, compensation will be made to the Sheriff for all services performed to the date of termination. The Board shall be entitled to a pro-rated refund for that period of time when SRO services are not provided because of the termination of the Agreement. In the event the Agreement is terminated, title to and possession of the 2005 Ford Taurus and the Smith & Wesson handgun (insert serial numbers), which are referenced in the RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY executed on June 1, 2009 and incorporated herein by reference, shall be returned/transferred to the Board, and, in that event, the Board agrees to reimburse the Sheriff for the \$800.00 purchase price.

Article IX  
Notice

Any notice, consent or other communication in connection with this Agreement shall be in writing and may be delivered in person, by mail or by facsimile transmission (provided sender confirms notice by written copy). If hand-delivered, the notice shall be effective upon delivery. If by facsimile copy, the notice shall be effective when sent. If served by mail, the notice shall be effective three (3) business days after being deposited in the United States Postal Service by certified mail, return receipt requested, addressed appropriately to the intended recipient as follows:

BOARD  
Michael Bracy, Superintendent  
Jones County Public School System  
320 West Jones Street  
Trenton, NC 28585

County  
Brenda Reece, Finance Officer  
County of Jones  
418 Hwy 58 North Unit A  
Trenton, NC 28585

Article X  
Miscellaneous Provisions

1. It is agreed by the parties that all obligations under this agreement shall terminate if funds for continuation are not appropriated.
2. The Sheriff and the Board shall be independent contractors, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of either party be construed as employees, agents, or principals of the other party hereto.
3. This Agreement shall be governed by the laws of the State of North Carolina. The venue for initiation of any such action shall be Jones County, North Carolina.
4. This Agreement may be modified or amended by mutual consent of both parties as long as the amendment is executed in the same fashion as this agreement.
5. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, whether written or oral, relating to the subject matter of this Agreement.
6. In the event that any provision of this Agreement shall be invalid, illegal or otherwise unenforceable, the validity, legality and enforceability of the remaining provisions shall in no way be affected or impaired thereby.

IN WITNESS THEREOF, the parties hereby execute this Agreement, this \_\_\_\_ day of July 2018.

Jones County Board Of Education

County of Jones

\_\_\_\_\_  
Billy Griffin, Board Chair

\_\_\_\_\_  
Mike Haddock, Chairperson

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act.*

\_\_\_\_\_  
*Leslie Rouse, Finance Officer*

\_\_\_\_\_  
*Date*

*This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.*

\_\_\_\_\_  
*Brenda Reece, Finance Officer*

\_\_\_\_\_  
*Date*